

REDACTED
In the Superior Court of the State of Delaware
and for New Castle County
State of Delaware
V
James E. Ross Jr.

CASE # 0503018674

Notice of Motion to Dismiss

To Attorney General's Office
Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, De 19801

Please Take Notice that the attached Motion
to Dismiss will be presented to the Court
at the Court's Convenience.

Brian Barthly

Assistant Public Defender

James E. Ross Jr.

James E. Ross Jr.
Date ^{Sept} ~~May~~ 2005

Acting in the lawful performance of duties;
 Shall be guilty of a class D. Felony.

2. Witnesses.

In accordance to the law the prosecutor needs to fulfill certain criteria to convict an individual and in the case when testify April 1, 2005 that Mr Officer L-t. Bramble can truly state. He's a witness AND Investigator AND the Arresting Officer. Officers work a different shift. Incident occurred 8:00 to 4:00 day shift. Incident occurred approximately 11/13.

B) There is testimony made by the Investigator L-t Bramble. April 1, 2005 Pre-Liminary hearing that he saw defendant assaulting each officer. It then should have been five officers. Officer Mrs Williams and Officer who took me to the holding cell.

C) There the Investigator fails to mention or make references to any statements or testimony which would support the victims.

D) Mr L-t Bramble testify in Defendants Pre-Liminary hearing. Officers Mrs William and Officer who took defendant to holding cell. Should have been mention or make references to statements or testimony which would support the victims.

3.) Reports of Physical or Mental Examination.
The Indictment Charges the defendant with Assault In a Detention Facility, ~~which~~ which would consist of Injury to the Victim, the Important of medical Reports is to help Show the degree of Injuries, the extent were the Injuries are located, And how the Injuries were Inflicted And many case an Injury could show what caused the Injury.

E But In this case, the prosecution have even Failed to provide A basic medical Report to Support there claims of Injuries.

F And by not providing the Medical Reports, the prosecution has made It difficult the defence to prove Its case. that the Victims Injuries are self Inflicted, during the Struggle.

G Also the Investigator has testified under Oath, that the Victim did In Fact Stated that the Victims were treated. for their Injuries

Therefore, leave the defence to wonder if the prosecution Maybe with-holding Important evidence.

Weapon

4. In This Case The Use of hands. L-t Bramble stated In Pre-liminary April 13, 2005 the Use of hands AND ~~Scrubbing~~ Around was the cause of Attack on Victim, In the Rule 16, It said Documents AND tangible objects. Will be permitted upon reasonable notice today is Sept-18, 2005. Defendant has not receive any existing evidence. No ARRANGE for mutually convenient time for Inspection.

H) In Pre-liminary hearing L-t Bramble the Investigator. had not mention A Weapon. Just the Use of Defendants hands. AND I haven't received the discovery Motion Reported.

I) The evidence In the motion for discovery would be very Important to defence case. to help show that, the Injuries was caused by Defendant. to the Victims.

J) do to the fact that this Incident took place In a detention Facility, which 3-officers AND The officers had complete control of the environment were the Incident Accured. Their Should not be any Reason to not have ~~the~~ Discovery Reports AND evidence to prove Assault.

5. Photographs Video or documents:

There are No "Photographs, Video or documented proof of Any Kind to support that a crime was even committed, other than the Victim, who's falsely accusing the defendant.

Conflicting testimony.

When the Issue of evidence or lack thereof the case could become a he say/she say.

Just the word of the Victims claim that they was assaulted by Defendant.

K.) IF there was evidence in this case that defense could show that the testimony or Affidavit of Victims. would be consistent with evidence.

2) IF the defence would be able to show Un-consistencies in the Victims action, according to the Dates of the discovery motion Sept 15, 2008 there is NO statements of the Victims.

m) By moving away from staff, how can Defendant assume an aggressive posture toward staff. moving away and moving towards are two different movements. The Victims are lying. It becomes clear none of the Victims were assaulted.

N) The defendant argues that the injuries cause were not intentionally cause by Defendant. If defendant was mased how can he possibly see what was going on around Defendant. There is know medical report. It would be impossible to show exhibits, and consistances with any evidence.

O) If the Defendant was mase for making an assuming an aggressive posture towards staff then why would he be moveing away from staff.

7) Circumstantial Evidence:

The prosecutor has not responded, to the Motion. Discovery order by 9-15-05. Including Medical Records. It was ordered this 20th day of June 2005. That: And since there is know medical reports. It would be in possible to prove offense beyond a reasonable doubt. It is not unusual in a criminal case to rely upon circumstantial evidence to warrant a conviction, But it would the proof of facts or circumstances from which the existence or non-existence of other facts may reasonably be inferred. So the circumstances in the case must lead you to conclude beyond a reasonable doubt that the accused committed the offense charged, and there is just not enough to support the prosecutors case of circumstantial evidence and events surrounding the in-

Conclusion:

8) Because of lack of an eye witness, And any credibility to the Victims Account to what took place on 3-22-05, AS well as the lack of Any credible or tangible evidence, the State can - not meet its burden of proof Beyond a Reasonable Doubt according to section 301.

Therefore, defendant Requests that this Honorable COURT dismisses the Indictment Against him.

Very truly Yours

C.C. James Ross Jr

9-18-2005

Assistant Public Defender
Sept - 2005

Dear Counselor:

RENEE:

7-19-05

James E Ross Jr

I am a Detainee in the Department of Correction D.C.C IN Smyrna. I was charged with 3 Charges of Assault out side the Institution. I Defendant James Ross Jr SBI CC167506 Have Know write-ups IN side the Institution, I've been house IN the Shoe Building SENSE 3-22-C5. I haven't been convicted of ANY CHARGES NOT EVEN a write-up I'm force to serve time like I've been Sentence by A Judge. But I don't have a Status Sheet Because I haven't been convicted or Sentence by a judge. I'm force to serve time on Level-5 IN the Shoe housing Unit S.H.U 18 DU9. The Counselor Says I'm A Rest But haven't Show me ANY paperwork to Support her saying. What you mean by I'm A Rest, I have Know Institutional write-ups. I'm being mis treated. I'm locked-up 24 Hours A day. AND Have Rec 3-days out of A week sometimes two 15-Dollars every two Weeks Commissary. every time I leave the Cell I'm handcuff From Behind And leave the tier I'm Shackle. I ASK myself how much longer am I going to be punish. AND I'm Not even Sentence by A judge. I receive one Phone Call A week. NO TV. Sincerely stated
CC

James E Ross Jr
Thank you Sister.



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

BRIAN J. BARTLEY
ASSISTANT PUBLIC DEFENDER

TELEPHONE
(302) 577-5135

June 21, 2005

Richard J. Zemble
Deputy Attorney General
Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, DE 19801

RE: State of Delaware v. James E. Ross
ID No. 0503018674

Dear Mr. Zemble:

Please provide me with a copy of any and all medical records for any treatment provided to any of the three victims for injuries allegedly caused by the Defendant in the indicted assaults.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. J. Bartley".

Brian J. Bartley
Assistant Public Defender

BJB/ef
Cc: Mr. James E. Ross

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

JAMES E ROSS,
DEFENDANT

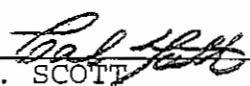
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ID NO. 0503018674

ORDER SCHEDULING TRIAL

IT IS HEREBY ORDERED THIS 20TH DAY OF JUNE, 2005, THAT:

- 1) TRIAL IS SCHEDULED FOR Tuesday, 10/18/2005. NO CONTINUANCE WILL BE GRANTED ABSENT EXCEPTIONAL CIRCUMSTANCES. COUNSEL AND DEFENDANT MUST ATTEND THE CALENDAR CALL ON THE DAY OF TRIAL AT 9:00 A.M. UNLESS PREVIOUSLY EXCUSED BY THE CRIMINAL ASSIGNMENT JUDGE.
- 2) THIS MATTER IS A CATEGORY #2 CASE. COPIES OF ANY MOTIONS AND/OR CORRESPONDENCE REGARDING THIS CASE SHALL BE DIRECTED TO THE CRIMINAL ASSIGNMENT JUDGE.
- 3) COUNSEL MUST IMMEDIATELY TAKE ALL STEPS TO NOTIFY WITNESSES AND DEFENDANT OF THE TRIAL DATE. THERE WILL BE NO FURTHER SPECIAL NOTIFICATION FROM THE COURT UNLESS THE COURT (ATTN: ELIZABETH BRENHOCH) IS ADVISED IN WRITING WITHIN TWO WEEKS OF THE DATE OF THIS ORDER OF THE UNAVAILABILITY OF WITNESSES OR ANY OTHER VALID PROBLEMS, THE ABOVE TRIAL DATE WILL REMAIN FIRM.
- 4) COUNSEL SHALL ATTEND THE TRIAL CALENDAR CALL AT 9:15 A.M. ON THE THURSDAY BEFORE THE TRIAL DATE UNLESS EXCUSED BY THE CRIMINAL ASSIGNMENT JUDGE.


JUDGE CALVIN L. SCOTT

OC: PROTHONOTARY
CC: RICHARD J ZEMBLE , DEPUTY ATTORNEY GENERAL
BRIAN J BARTLEY , ESQ.

Discovery order by 9/15/04, including
medical records



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

BRIAN J. BARTLEY
ASSISTANT PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

TELEPHONE
(302) 577-5135

May 11, 2005

James E. Ross, Jr., Inmate
SBI No. 00167506
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: State of Delaware v. James E. Ross, Jr.
ID No. 0503018674

Dear Mr. Ross:

Please find enclosed a copy of your Rule 16 Discovery packet that was sent to me by the State which consist of the following documents:

Rule 16 Response
Indictment
AG Office RAP Sheet
Police Officer's Affidavit.

Your Case Review/Arraignment is scheduled for May 31, 2005.

Very truly yours,

A handwritten signature in black ink that reads "Brian J. Bartley".
Brian J. Bartley
Assistant Public Defender

BJB/ef
Enclosure

bjc

ML JANE BRADY
ATTORNEY GENERAL



STATE OF DELAWARE
DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY
102 West Water Street
Dover, DE 19901
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY
114 E. Market Street
Georgetown, DE 19947
(302) 856-5352
Fax: (302) 856-5369
TTY: (302) 856-4698

PLEASE REPLY TO :

May 2, 2005

New Castle County - Criminal Division

Counsel of Record
c/o Prothonotary
New Castle County Courthouse
500 N. King Street, Suite #500
Wilmington, DE 19801

RE: STATE V. JAMES ROSS

Dear Counsel:

Pursuant to Superior Court Criminal Rule 16, the following information concerning the above captioned case is being supplied. The offenses occurred on March 22, 2005 at approximately 11:00 a.m. at 875 Smyrna Landing Road, Smyrna, Delaware and were investigated by the Department of Corrections. Supplements to this discovery will be provided as noted below:

Rule 16(a)(1)(A): Relevant written, recorded or oral statements made by defendant or any juvenile or adult co-defendant in response to interrogation by a person then known by the defendant to be a state agent:

See enclosed police reports.

Rule 16(a)(1)(B): Defendant's Prior Record.

Enclosed is a copy of defendant's known criminal history record as same is maintained in the Attorney General's Office Case Tracking System. Although this is the single best source of such data available within the State, I caution you that such information is occasionally incomplete or inaccurate. I therefore suggest that you discuss this matter with your client who should be able to correct any erroneous data and complete the record as needed. In addition, I intend to discuss any

discrepancies with you prior to trial.

Rule 16 (a)(1)(C): Documents and Tangible Objects.

Inspection of documents and tangible objects will be permitted upon reasonable notice and during normal business hours. Please contact my office to arrange for a mutually convenient time for inspection.

Rule 16(a)(1)(D): Reports of Examinations and Tests.

Results or reports of mental or physical examinations and scientific tests or experiments which the State intends to use during its case-in-chief, or material to the defense:

None at this time.

Rule 16(a)(1)(E) Expert Witnesses.

The identity and substance of the opinions of expert witnesses:

None at this time.

Please be advised that this response, together with any acknowledgments of information to be supplied when received, constitute the State's entire response to its discovery obligations under Rule 16 and/or any written request filed by the defendant. If, prior to or during trial additional evidence or material is discovered which is subject to discovery shall be disclosed immediately. Further discovery - except to the extent referred to herein - is objected to as being outside the scope of the State's obligation under Rule 16. Should you wish to pursue the matter further, please file a motion to compel further response as provided by Rule 16.

State's Reciprocal Discovery Request:

Pursuant to Superior Court Criminal Rule 16(b), please provide me with the following:

1. An opportunity to inspect and copy or photograph any books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial.

2. An opportunity to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at trial or which were prepared by a witness whom the defendant intends to call at trial when the results or reports relate to that witness' testimony.

3. Disclosure of any evidence the defendant may present at trial under Rules 702, 703 or 705 of the Delaware Uniform Rules of Evidence, including the identity of the witness and the substance of the opinions to be expressed.

Please be advised that your failure to respond will be presumed to mean that you have no materials discoverable under Rule 16(b) and that the State will rely upon that presumption.

Plea Offer:


The State has not discussed a plea with the victim(s) and therefore tentatively makes the following plea offer:

None at this time.

If your client is inclined to accept an offer, please advise and the State will discuss the plea with the victim and make a firm offer.

If the defendant has other pending charges not specifically referred to herein, they should not be considered a part of this plea offer. In addition, if the defendant should be arrested for any additional charges prior to entry of this plea, the offer should be considered withdrawn.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. Zemble", written over a horizontal line.

Richard J. Zemble
Deputy Attorney General

RJZ/dck
Enclosure

Adult Complaint and Warrant
In the Justice of the Peace Court
In and for the
State of Delaware

State of Delaware vs. **JAMES E. ROSS JUNIOR**

I, LT. BRAMBLE (20000) of CVOP CENTRAL VIOLATION OF PROBATION CTR, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in **New Castle** county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of **3** charges, and to be further dealt with as the law directs.

X
Sworn to and subscribed to before me this 26th day of March AD, 2005.

Affiant
Judge/Commissioner/Court Official

(To be completed by the Judge/Commissioner/Court Official)

- | | |
|----------|---|
| A. _____ | The crime was committed by a child. |
| B. _____ | A misdemeanor was committed against a child. |
| C. _____ | A misdemeanor was committed by one family member against another family member. |
| D. _____ | Other: Explain _____ |

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of **3** charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take **JAMES E. ROSS JUNIOR** accused, and bring same before

Justice of the Peace Court 11, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 26th day of March AD, 2005.

Judge/Commissioner/Court Official

Executed on _____ by _____

Case Number: **05 03 018674** Warrant Number: 68 05 000357

State of Delaware vs. JAMES E. ROSS JUNIOR

Case: 05 03 018674

Exhibit B

SBI Number: 00167506 Also Known As:
 Date of Birth/Age: 1963 (41) Sex: Male Race: Black
 Eye Color: Brown Hair Color: Black Height: 5'9" Weight: 165 lbs
 Driver's License: DE - 0069907 Social Security Number:

Address: 344 WEST WAY DR
 DOVER, DE 19901

Next of Kin, Address, Employer
 SHIRLEY S WEEKS
 41 FORREST CRK
 DOVER, DE 19904
 Phone: (302) 734-8873

Phone: (302) 734-1891

Employer:

Date and Times of Offense: 03/22/2005 at 1113

Location of Offense: 875 Smyrna Landing RD - Central Violation of Probation Unit - Smyrna, 19977

Your affiant LT. BRAMBLE can truly state that: 1.) I am a Lieutenant with the Delaware Department of Correction at the Central Violation of Probation Unit and have been employed by the Department of Correction for 17 years and 2 months. 2.) On 03/02/2005, Offender James Ross (DOB 09/14/1963 SBI#00167506) was housed on pod 6 at the Central Violation of Probation Unit at 875 Smyrna Landing Road, Smyrna, DE. 3.) On this date at approximately 1100 hrs., Offender James Ross became non-compliant with Central Violation of Probation Unit housing rules by refusing to stand up for count. 4.) Offender James Ross remained laying on his bed while the 1100 hrs headcount was being conducted and was issued a program violation for his actions. 5.) At approximately 1113 hrs., Offender James Ross again became non-compliant with Central Violation of Probation Unit housing rules by refusing to go to the chow hall with the rest of pod 6. 6.) Back up was called for by Correctional Officer Stephen Wagner and the following Officers responded, Staff Lieutenant Robert May, Lieutenant Donald Kuneman, and Sergeant Armond Divirgilis. Offender James Ross was given verbal orders to comply with housing rules and when he refused was ordered to go to a holding cell, Offender James Ross ceased being a passive resistor and became an active resistor by moving away from staff and assuming an aggressive posture toward staff. 7.) Offender James Ross was capstunned by Lieutenant Kuneman which had no effect on Offender Ross. Offender Ross then became combative with staff and refusing to comply with directives. While being combative with staff, Offender Ross was capstunned a second time and again without results. 8.) Offender Ross was taken to the ground in an attempt to subdue him. During the struggle, Offender Ross attempted to break the left middle and left ring fingers of Staff Lieutenant Robert May. 9.) The following Officers sustained injuries during the struggle to subdue and handcuff Offender James Ross. Staff Lieutenant Robert May received injuries to both the left ring and middle fingers, abrasions to the left hand and to both wrists. Lieutenant Donald Kuneman received abrasions to the right arm.

Affiant

Sworn and subscribed before me this 26th day of March AD, 2005

Judge/Commissioner/Court Official

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

JAMES ROSS

)
)
)
)
)

INDICTMENT BY THE GRAND JURY
I.D.#0503018674

The Grand Jury charges JAMES ROSS with the following offenses;

COUNT I. A FELONY

#N _____

ASSAULT IN A DETENTION FACILITY in violation of Title 11, Section 1254 of the Delaware Code of 1974, as amended.

JAMES ROSS, on or about the 22nd day of March, 2005, in the County of New Castle, State of Delaware, while being confined in a detention facility, did intentionally cause physical injury to Donald J. Kuneman, a correctional officer or other state employee of a detention facility acting in the lawful performance of his duties.

COUNT II. A FELONY

#N _____

ASSAULT IN A DETENTION FACILITY in violation of Title 11, Section 1254 of the Delaware Code of 1974, as amended.

JAMES ROSS, on or about the 22nd day of March, 2005, in the County of New Castle, State of Delaware, while being confined in a detention facility, did intentionally cause physical injury to Armond Divirgilis, a correctional officer or other state employee of a detention facility acting in the lawful performance of his duties.

COUNT III. A FELONY

#N _____

ASSAULT IN A DETENTION FACILITY in violation of Title 11, Section 1254 of the

State of Delaware vs. JAMES E. ROSS JUNIOR

Case: 05 03 018674

Exhibit A

Charge Sequence: 001 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: **Assault in a Detention Facility-Injury to Another** In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD - Central Violation of Probation Unit - Smyrna, 19977
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW
CASTLE, State of Delaware, did being a person confined in a detention facility cause physical injury
to DONALD J KUNEMAN.

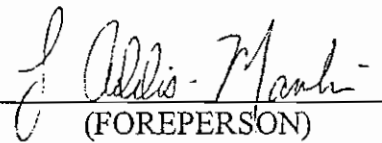
Charge Sequence: 002 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: **Assault in a Detention Facility-Injury to Another** In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD - Central Violation of Probation Unit - Smyrna, 19977
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW
CASTLE, State of Delaware, did being a person confined in a detention facility cause physical injury
to ARMOND DIVIRGILIS.

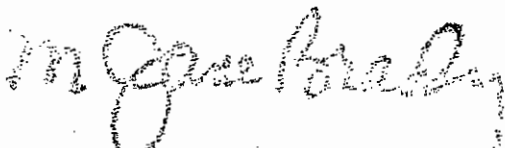
Charge Sequence: 003 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: **Assault in a Detention Facility-Injury to Another** In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD - Central Violation of Probation Unit - Smyrna, 19977
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW
CASTLE, State of Delaware, did being a person confined in a detention facility cause physical injury
to ROBERT L MAY.

Delaware Code of 1974, as amended.

JAMES ROSS, on or about the 22nd day of March, 2005, in the County of New Castle, State of Delaware, while being confined in a detention facility, did intentionally cause physical injury to Robert L. May, a correctional officer or other state employee of a detention facility acting in the lawful performance of his duties.

A TRUE BILL


(FOREPERSON)


ATTORNEY GENERAL


DEPUTY ATTORNEY GENERAL

State of Delaware vs. JAMES E. ROSS JUNIOR

Case: 05 03 018674

Sergeant Armond Divirgilis received abrasions and a contusion to the left cheek, bruising behind the left eye, and chemical burns as a result of the OC (capstun) spray.

Affiant: LT. BRAMBLE (20000) of CVOP CENTRAL VIOLATION OF PROBATION CTR

Victims:

ROBERT L MAY

ARMOND DIVIRGILIS

DONALD J KUNEMAN

Date of Birth

Relationship Victim to Defendant

Otherwise Known

Otherwise Known

Otherwise Known

Affiant

Sworn and subscribed before me this 26th day of March AD, 2005

Judge/Commissioner/Court Official

12

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

SHARON D. AGNEW
PROTHONOTARY, NEW CASTLE COUNTY

NEW CASTLE COUNTY COURT HOUSE
500 N. KING STREET
LOWER LEVEL 1, SUITE 500
WILMINGTON, DE 19801-3746
(302) 255-0800

MEMORANDUM

To:	Date
Brian Bentley	6/2/05
State v.	Case No.
James E. Ross Jr.	0503018674
Next Proceeding, Date & Time: FCR 6/20/05 145pm	
Letter/Application from Defendant received by the Court on: 6/1/05	
for Reduction of Bail & Motion to Dismiss	
Indictment.	

Attached is a letter written to the Court by the defendant and filed with the Prothonotary's Office. Since you are counsel of record, we are referring this letter to you for whatever action you deem appropriate. The defendant's letter has not been reviewed by a Judicial Officer. The Court will not retain a copy of the defendant's letter.

Superior Court Criminal Rule 47 provides in pertinent part: "The court will not consider pro se applications by defendants who are represented by counsel...."

Please advise your client that further communications regarding this case should be directed to you.

Referred by: S. Napier	Copies to: B. Bentley File - Defendant
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Page 1

STATEMENT Prepare

1. Your Honor, I would like to Address the Court.
2. And the jury In my behalf.
3. My Name is James E Ross Jr.
4. I wrote the Judge a letter.
5. I am able to Pay 1000⁰⁰.
6. Towards the 1800.00.
7. Balance that I owe.
8. And to Pay the rest In 2-weeks of my release
9. From the Central V.O.P. Center.

1. AT my last Court Appearance the Judge Stated.
2. IF I Paid my Fines AND Costs In Full.
3. Then the balance of my probation would be discharged.
4. Finish out of the System.

1. I HAVE Know motive to Assault 3-Probation OFFICERS.
2. These said charges are False AND Untrue with out evidence and mirit.
3. I was just Awaiting placement For the work Release Center.
4. After the Incident Accure, I was Charged. Five days later After the Incident.

In the Superior Court of the State of Delaware
In and for New Castle County

State of Delaware

V

James E. Ross Jr.

CASE # 0503018674

ORDER

HAVING HEARD AND CONSIDERED THE DEFENDANT'S
NOTICE RULE (16B) FOR REVIEW MOTION TO DISMISS
IT IS HEREBY ORDERED THAT THIS MATTER WILL BE
SET DOWN FOR HEARING ON _____, 2005
10:00 a.m.

IT IS ORDERED ON THIS DATE OF
May _____, 2005.

IN the Superior Court of the State of Delaware
IN and For New Castle County

State of Delaware
V.

Case No. 0503018674

James E. Ross Jr.

Certificate of Service

I certify that I have caused that on this
day of ~~May~~^{Sept} 2005 to copy of the attached
Notice Rule (16b) For Review to be served
upon the following address indicated by
United States Mail, Postage prepaid on:

Attorney General's office
Department of Justice
Carvel state office Building
820 N French Street
Wilmington, De 19801

9-18-05

CR A No. 0503018674

Dear Mr Brian,

I haven't heard from you. Where is my Motion For discovery Order by 9-15-05 AND Medical Reports. How am I Defendant going to prepare my Defense. I need to know. I don't have nothing, have you recieved any evidence. I need this information, before hand Mr Kenneth L Holland #164800 CASE A NO 041120102. Just won a trial case of a Assault. The same officers ACCUSE him. I have the rule 16 and Police Report. I haven't heard from you. Have you contacted the Nurse that Visit me The day AFTER the Incident ACCURED. She state she saw everything. She was a witness. She Visit me on the 23 day of March 2005. The office that Took me to the holding Cell AND office LARRY Pops who WARN me that the officers INVOLVE Plan to BAIL - READ me. I haven't recieved any thing from you last Date June 20, 2005. Please contact me.

Truly Yours

read my motion
take to my Judge

LOVE YOU NAY



Dear Nay,

Hi Sister, whats Up. First I pray for me and you cause you stayed in with me. AND Believe in me, the truth will allway shine I truly miss you AND Love you. Thank God for you Praise God. I won my trial tell Larry I said thanks for supporting me.

Nay I've been bless but still I must Continue the Battle, I have know Level-5 time But I'm still house in the shoe 18 CUM they change my Block, Level-4 refuse to except me. so they are doing their own thing with me. times have really change.

I so glad to have God on my side. Nay Will you call here to get me out of the max Build. AND call Kevin Howard Lawyer about the motion for sentence REVIEW I should have been dis change from Probations waiting on Level-5 all this time in max. That's a lawsuit its self.

Tell Kevin I have know more pending charges and that I should be brought back in front of my original Judge. Please Nay call take this motion to Kevin AND my original Judge.

Law Office of
YOUNG, MALMBERG & HOWARD, P.A.
30 The Green
Dover, Delaware 19901
www.youngmalmberg.com

Kevin M. Howard
Khoward@youngmalmberg

Phone: (302) 672-5600
Fax: (302) 672-7336

August 26, 2005

Mr. James Ross
SBI No. 167506
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Dear Mr. Ross:

Enclosed is a copy of an Order signed by Judge Witham on our Motion for Sentence Review. He states that you have pending changes in New Castle County at this time. When we hear anything further, we will be in contact with you.

Very truly yours,

YOUNG, MALMBERG & HOWARD, P.A.


KEVIN M. HOWARD, ESQUIRE

KMH/bls

*CALL Kevin
For me Please*

Prothonotary

State of Delaware)

) ss.

New Castle County)

_____, Sheriff of _____
County, deposes and says that he served personally upon _____
_____ the original Writ of
Habeas Corpus of which the within is a true copy, by leaving the
original Writ with _____

on _____

19_____.

SWORN TO AND SUBSCRIBED before me, _____,

19_____.

Prothonotary

IN THE Superior COURT OF THE STATE OF DELAWARE
IN AND FOR _____ COUNTY

IN THE MATTER OF _____

S
S
S
S
S

C.A. No. _____

for a writ of habeas corpus.

MEMORANDUM IN SUPPORT OF WRIT OF HABEAS CORPUS

The above defendant submits this memorandum in support of his petition for writ of habeas corpus. Petitioner states the following in support:

1. The criminal action number in this case is _____

2. Your petitioner is being unlawfully restrained of his liberty, in violation of the laws of the State of Delaware, by reason of the Respondent and V.O.P.'s refusal to accept the Petitioner into Level IV facility to carry out Court Order Respondent Thomas Carroll's oppressive action of refusing to allow petitioner to serve level IV sentence, continues to house him at Level II despite available space at level IV is unlawfully restraining him of his liberty in violation of his 8th & 14th amendment rights and in violation of Court Order

WHEREFORE, petitioner prays the petition issue and the writ granted. Petitioner further requests the Court to Suspend level I sentence and discharge him from Respondent's custody for failing to abide by Court Order.

James E. Ross Jr 00167506

Delaware Correctional Center
Smyrna, DE 19977

Dated: _____

The Respondent and VOP Officials, REFUSE to allow the Petitioner Into Level-4 Facility Citing that they Refuse to accept Mr. Ross Into their Facility. Thomas Carroll HAS REFUSED to allow the Petitioner to carry out Superior Court sentence order, AND IN so doing continues to house him at Level-5 even though Level-4 space was available, Thus unlawfully Restraining Petitioner of liberty IN Violation of his 8th and 14th Constitutional Amendment Rights, CRUEL AND UNUSUAL punishment as well as his equal protection Rights.

Wherefore, petitioner prays the petition Issued and the writ granted, Petitioner REQUEST the Court to suspend his Level-4 sentence AND discharge him From Respondents Custody, For Failure to abide by Court Order.

James E Ross JR

Date 11 - -05

313E 00167506

Exhibits A

18 C011

Offender Status Sheet

Date: 11/07/2005

SBI #: 00167506 Name: JAMES E ROSS
 Location(s): DCC Level(s): 4H Race: BLACK DOB: /1963
 AKA: JAMES E ROSS; JAMES E ROSS; JAMES E ROSS; JAMES E ROSSBEY; JEROME ROSS
 Offender Type: Sentenced Officer(s):

Level: 4H											
Start Date: 03/22/2005		MED: 03/21/2006		STRD: 02/25/2006		ADJ: 02/25/2006		PED:		Statutory Days Earned: 24.00	
CASE#/ Court/ Type	CRA#/ Judge	Charge Desc/ Sen. Type/ Sentence Date		Status/ Eff. Date		Length Y M D		Start Dt	MED	STRD	Adj Date CR Wk
0303007243	VK0303103702	VIOL O/PROBATN		Current		1 0 0		03/22/2005	03/21/2006	02/25/2006	02/25/2006
U7	Mary M Johnston	STANDARD		11/01/2005 03/22/2005							

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
VK0303103702	4H	CRT1	Other Conditions:	AS TO VN03-03-1037 (VOP = PWITD) SENTENCED TO 4 YEARS LEVEL 5. SUSPENDED FOR 1 YEAR LEVEL 4 HOME CONFINEMENT. WHICH IS SUSPENDED AFTER PAYMENT IN FULL OF \$1,800. HOLD AT LEVEL 5 UNTIL SPACE IS AVAILABLE AT LEVEL 4 HC. ** DISCHARGED ONCE FINANCIAL OBLIGATIONS ARE PAID IN FULL. DH

Exhibits B

L7 TIC

10 CUII

TO: James E. Ross SBI: 167506DATE: 11/7/05

FROM: CLASSIFICATION OFFICE

RE: INITIAL CLASSIFICATION

This is to inform you that the Multi-Disciplinary Team (MDT) has classified you to MAX Security Level. You will be required to complete your treatment plan and follow institutional rules. Negative behavior, excessive write-ups, or failure to complete your treatment plan will result in a higher security level. Your individual treatment plan is listed below and your assigned counselor will monitor your progress. Direct questions to your Counselor.

NOTE: This classification is subject to higher review.

TREATMENT PLAN

MAX Programs

Inmate Signature: James E. Ross

Date: _____

Next Review: NIARA Score: NIA

Three Part Form
 Original: Records
 Pink: File
 Yellow: Inmate
 FORM# 961 (3 pt)

I Don't have level 5
 time. I have level 4-4
 level-1
 ye.

Individual Statement

Date Printed: 4/20/2005

Page 1 of 1

For Month of March 2005

SBI	Last Name	First Name	MI	Suffix	Beg Mth Balance:	\$90.41
00167506	Ross	James				
Current Location:	SU/1	Comments: QOL1				

Trans Type	Date	Deposit or Withdrawal Amount	Medical Hold	Non-Medical Hold	Balance	Trans #	MO # or Ck #	PayTo	SourceName
Canteen	3/3/2005	(\$20.44)	\$0.00	\$0.00	\$69.97	76523			
Pay-To	3/4/2005	(\$69.97)	\$0.00	\$0.00	\$0.00	77197		CVOP	
Canteen	3/8/2005	\$20.44	\$0.00	\$0.00	\$20.44	78860		REFUND	
Canteen	3/10/2005	\$82.19	\$0.00	\$0.00	\$102.63	79862		REFUND	
Ending Mth Balance:					\$102.63				

Division of Child Support

P.O. Box 904

New Castle, De 19720

I have know Account to my Money know receipt.

May: Take Care of all my Paper Work I've Sent to you. OK Please
Send me a money order

Call And Check up on my Request. Call
I need that original sentence order ✓

REQUEST FOR MATERIALS FROM PROTHONOTARY

TO: Superior Court Kent County

DATE REQUESTED: 12-9-05

INDICTMENT NUMBER(S): 6503018674 5003005736 PWITL

OFFENSE(S): 0303007243-VK0303103701-Viol o/Probation

DATE ARREST: 3-11-03

DATE OF BIRTH: 9-14-63

Please send the following:

1. Court docket sheets [] plain [✓] Certified

2. Court docket Numbers [✓] 500 300 5736 PWITD

3. Indictment Sheet [✓]

4. Other original
Sentence Order [✓]
Plea Agreement

Please send materials to the following:

James E Ross Jr SBI 00167506
Unit SHU 19 CL12
Delaware Correctional Center
1181 Paddock Road
Smyrna, De 19977
James E Ross Jr
Signature

IN the Superior Court of the State of Delaware
IN AND FOR _____ County

James E. Ross Jr.

V
State of Delaware

Case 05C3C18674
03C3C07243

Notice Rule 35. Correction of Illegal Sentence
here IN FOR the reduction of Sentence.

To Attorney General's Office
Department of Justice
CARVEL State Office Building
820 N. French Street
Wilmington, De 19801

Please Take Notice that the attached
Motion to Correct Sentence will be
Presented to the Court at the Court's
Convenience.

Brian Bartly
Assistant Public Defender

James E. Ross Jr.

Date 12- - 05

The Following documents OR Attach.
Exhibit.

In the Superior Court of the State of Delaware,
In and For County.

James E. Ross Jr

V

State of Delaware

CASE 0503018674

Notice of rule 35 Correction of Illegal Sentence
herein for the reduction of Sentence.

To Attorney General's Office
Department of Justice

221 Water Street
Dover, DE 19904

Please Take Notice that the attached Motion
to Correct Sentence will be presented to the
Court at the Court's Convenience.

Assistant Public Defender
James E. Ross Jr

Date 12- - 2005

The Following document or attach.

Exhibit

①

In the Superior Court of the State of Delaware
IN AND FOR County

James E. Ross Jr

C303007243

V.

CASE 1/K 0303103701

State of Delaware

Viol of Probation

Rule 35. Correction of Illegal Sentence
herein for the reduction of sentence.

Dear Counsel:

A. Pursuant to Superior Rule 35.
Correction or Reduction of sentence. On
NOV 1, 2005, I defendant James Ross Jr was
before Judge MARY Johnston, found defendant
IN Violation, and was sentence NOV 1, 2005,

B. SEE STATUS SHEET EXHIBIT A, AS TO VNC3-63-10
VOP = PWITD SENTENCED to 4 years Level-5.

Suspended FOR 1-year Level 4 Home CONFINEMENT

C. The Report was not present at the hearing.

The Report Ms Williams. wrote the report

But wasn't there At 11:00 hrs, the grounds on
which the Violation stands, Failure to stand
FOR Court, because of Illness Medical Issue

D. Medical Issue such as standing FOR Court
OR excuse by Unit OFFICER. OFFICER WAGNER

②

D. OFFICER Wagner. Stephen Wagner, He was to Issued a program violation. For Failure to stand For Court. OFFICER Stephen WAGNER OR REPORTER Mrs William didn't Appear For Nov 1, 2005 Violation hearing.

E. I defendant was NEVER ISSUE A write-up for failure to stand for Court, witch is a rule Violation, Not a program Violation. I was only awaiting space for WORK Release program, was my last Sentence ORDER. Violation of Probation 2-18-CS by Judge William L Witham/Kent County Superior Court. Original Judge. My Original Sentenceing Judge.

F. Not my trial Judge Honorable Mary Johnston who deny defendant his right to Jurisdiction. My trial was held I Jurisdiction New Castle County witch Defendant was Found to be INNOCENT of all Charges.

G. Defendant Rights was Violated of the Constitution and laws of this State. that the Court Imposing such sentence was without Jurisdiction to do so, or that such Sentence was IN excess of the maximum sentence authorized by law or is otherwise subject to collateral Attack, may file a motion at any time

(3)

Which Imposed such sentence to vacate, set aside, or correct the same.

H. The Judge was rendered without Jurisdiction or that the sentence Imposed was Illegal or otherwise subject to collateral attack, or that there was such a denial or infringement of the constitutional rights of defendant as to render the Judgement subject to collateral attack, the Court shall vacate and set aside the Judgement and shall discharge the defendant or re-sentence him or grant a new trial or correct the sentence as may appear appropriate.

The Court need not entertain a second motion or ^{**}773 successive motions for similar relief on behalf of the same Defendant.

Date 12- -2005
James E. Ross, Jr.

IN the SUPERIOR Court of the State of Delaware
IN AND FOR _____ County

James E. Ross Jr.

V.

State of Delaware

#0503018004
CASE 0303007245
0303007243

Certificate of Service

I certify that I have caused that on this _____
day of Dec, 2005, two copies of the Attached
Notice of Motion For Correction of Sentence
to be served upon the following address
Indicated, by United States Mail, postage
prepaid on:

Attorney General's Office ^{cc} Office of Probation
Department of Justice ^{cc} 511 Maple Parkway
102 W. Water Street Dover, De 19901
Dover, De 19904

Assistant Public Defender

James E. Ross Jr.

Date _____

In the Superior Court of the State of Delaware
In and for _____ County

JAMES E. ROSS JR.

0503018674

CWE 0303007243

V
State of Delaware

Certificate of Service

I certify that I have caused that on this _____
day of Dec, 2005 two copies of the Attached
Notice of Motion for Correction of Sentence
to be served upon the following address
Indicated, by United States MAIL, postage
Prepaid on:

Attorney General's Office
Department of Justice
820 N French Street
Wilmington, Delaware
19801

Assistant Public Defender
James E. Ross Jr.

Date

In the Superior Court of the State of Delaware
IN AND FOR _____ County

James E. Russ Jr.

Case # 05C3018674
03C3007243

State of Delaware

ORDER

Having Heard and considered the Defendant's
Motion for Correction of Sentence, IT
Is Hereby ordered that this matter will
be set down for a hearing on _____
2005 at _____:00 a.m.

It is Ordered on this _____ day of _____
2005.

Judge

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

State of Delaware

:
:
:
:

Case No. 0303007243

James E. Ross, Jr.

ORDER

HAVING HEARD and considered the Defendant's Motion for Review of Sentence, IT
IS HEREBY ordered that this matter will be set down for a hearing on _____, 2005 at
____:00 ____m.

IT IS ORDERED on this ____ day of _____, 2005.

JUDGE

In the Superior Court of the State of Delaware
IN AND FOR New Castle County

State of Delaware

V

James E Ross Jr

CR.A NO 0503C18674

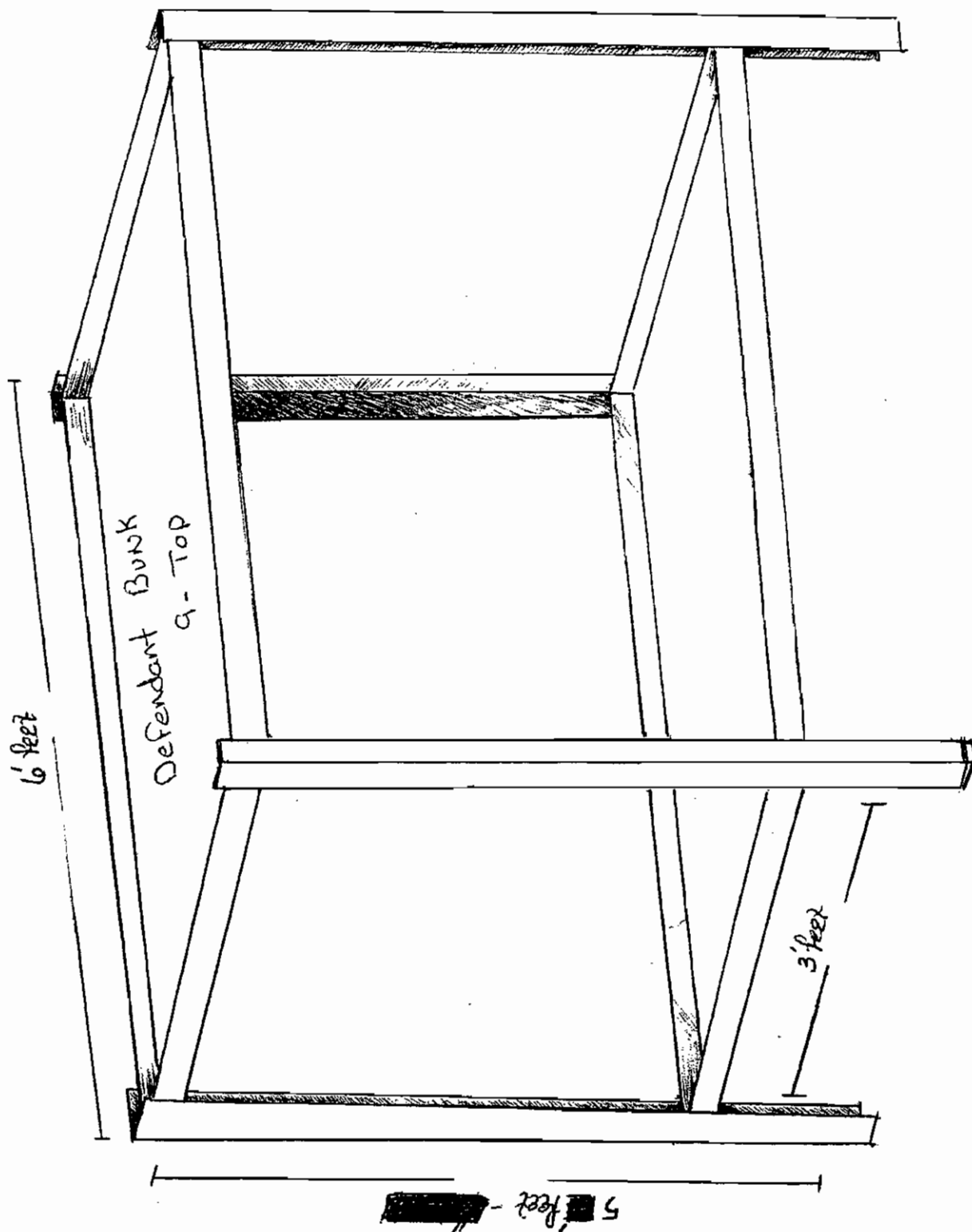
Motion to Dismiss Indictment
lack of credible evidence

Comes Now the Defendant James E Ross Jr
moves this Honorable court to Dismiss the
Indictment Against the defendant. Charging him
with (3) count of Assault In A Detention Facility.
the grounds are as Followed;

- 1) Pursuant to Delaware code section 301(B).
NO PERSON may be convicted of an OFFENSE
Unless each ELEMENT of the offense listed
In the Indictment is proven beyond a
REASONABLE doubt.

A.) Delaware Law defines the offense of Assault.
In a Detention Facility in pertinent part, as follows:

Any person who, being confined in a Detention
Facility, Intentionally causes physical Injury to A
CORRECTIONAL OFFICER, other State Employee of a
detention Facility.



SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

AUDREY F. BACINO
Assistant Clerk

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

DEBRA J. ZATLOKOVICZ
Senior Court Clerk

SUPREME COURT BUILDING
55 THE GREEN
DOVER, DE 19901

P.O. BOX 476
DOVER, DE 19903

December 2, 2005

(302) 739-4155
(302) 739-4156
(302) 739-8091

Kevin J. O'Connell, Esquire
Office of the Public Defender
Carvel State Office Building
820 N. French Street
Wilmington, DE 19801

Re: *James E. Ross, Jr. v. State, No. 589, 2005*
(Cr. ID No. 0303007243)

Dear Counselor:

On November 28, 2005, Mr. James E. Ross, Jr. filed a notice of appeal from a violation of probation sentencing order by Judge Johnston dated November 1, 2005, in the above captioned matter. A copy of Mr. Ross' notice of appeal is enclosed for your review.

The Public Defender's office has informed the Clerk's Office that you represented Mr. Ross at the violation of probation hearing on November 1, 2005. Therefore, the Court requests you to file a written statement on or before **December 16, 2005**, indicating that you recognize your continuing obligation under Supreme Court Rule 26(a) to represent Mr. Ross in the above appeal. Please include with your statement a formal notice of appeal and directions to the court reporter, if appropriate.

Very truly yours,

Deborah L. Webb

cc: Mr. James E. Ross, Jr.
Loren C. Meyers, Esquire
(with a copy of Mr. Ross' notice of appeal)
Prothonotary, New Castle County

IN THE SUPREME COURT OF THE STATE OF DELAWARE

589 , 2005

PRO SE
(DCC #00167506)

JAMES E. ROSS JR.
Defendant Below,
Appellant,
v.

L. C. MEYERS

STATE OF DELAWARE,
Plaintiff Below,
Appellee.

DF \$ 00.00

2005

- | | | |
|---|--------|---|
| 1 | Nov 29 | Notice of appeal from the Order dated 11/01/05 in the Superior Court in and for New Castle County, by Judge Johnston, in Cr. I.D. No. 0303007243, with designation of no transcript. (served by mail 11/14/05) (filed 11/28/05) (mjd) |
| 2 | Dec 02 | Letter dated 12/2/05 from Chief Deputy Clerk to Kevin J. O'Connell, Esquire, requesting that recognize his continuing obligation on or before 12/16/05. (dlw) |

The Respondent and VOP officials, Refusal to allow the Petitioner Into Level-4 Facility Citing that they Refuse to accept Mr. Ross Into their Facility. Thomas Carroll has Refused to allow the Petitioner to carry out Superior Court sentence order, AND IN so doing continues to house him at Level-5 even though Level-4 space was available, Thus, unlawfully restraining Petitioner of liberty in violation of his 8th and 14th Constitutional amendment Rights, cruel and unusual punishment as well as his equal protection rights.

Wherefore, petitioner prays the petition Issued and the writ granted, Petitioner Request to Court to suspend his Level-4 sentence and discharge him from Respondents Custody, for failure to abide by Court Order.

James E. Ross Jr

Date 11 - -05

3132 00167506

Exhibits B

L-7

HC

10 CUII

TO: James E. Ross SBI: 167506DATE: 11/7/05

FROM: CLASSIFICATION OFFICE

RE: INITIAL CLASSIFICATION

This is to inform you that the Multi-Disciplinary Team (MDT) has classified you to MAX Security Level. You will be required to complete your treatment plan and follow institutional rules. Negative behavior, excessive write-ups, or failure to complete your treatment plan will result in a higher security level. Your individual treatment plan is listed below and your assigned counselor will monitor your progress. Direct questions to your Counselor.

NOTE: This classification is subject to higher review.

TREATMENT PLAN

MAX Programs

Inmate Signature: James E. Ross

Date: _____

Next Review: NIARA Score: NIA

Three Part Form
Original: Records
Pink: File
Yellow: Inmate
FORM# 961 (3 pt)

I Don't have level 5
time.
lost level 4-4
11-C level-4
1-yea


IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NAME James Ross 8:30 AM / ~~11~~
SENTENCING DATE _____ REPORT TO _____
VOP DATE Dec 23, 2005 COURT ROOM _____
CONTEMPT OF COURT _____ # _____
ID# 0303007243 Courthouse
38 The Green
Dover, DE 19901

BE IN COURT WITH YOUR ATTORNEY ON THE ABOVE DATE. IF YOU
HAVE QUESTIONS, CALL THE PROTHONOTARY'S OFFICE AT 739-3184.

DOC. #02 03 10 02 07 01

[illegible]


Officer's Signature Who Inventoried Property

Supervisor's Signature Reviewing Inventory

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

SMYRNA, DELAWARE

Unauthorized: []

REMOVAL OF PERSONAL ITEMS

Excessive: []

INMATE NAME: _____ DATE: _____
(Please Print)

SBI#: _____ UNIT: _____

I wish to have my personal belongings removed from the Delaware Correctional Center in the following manner as listed below: (Please check one and initial).

1. I authorize the following person to pick up any items. This person will provide identification and sign a receipt for all items received. If the items are not picked up in 30 days after signing this form, I authorize the institution to dispose of the personal items at the departments discretion.

NAME: _____ ADDRESS: _____
(STREET or P.O. BOX)DATE ITEMS WILL BE PICKED UP. _____
(CITY/TOWN) (STATE) (ZIP)

2. I authorize the item(s) to be sent to the following address at my expense.

NAME: JAMES L. FORD ADDRESS: 7140 FIVE OAK
(STREET or P.O. BOX)I WANT THE ITEM(S) INSURED: YES _____ NO _____
(CITY/TOWN) (STATE) (ZIP)

3. I authorize the institution to donate my personal items to a charitable organization.

I, JAMES L. FORD, do hereby remise, release and forever discharge
(Print Inmate's Name)

for myself, my successors, assigns, heirs, executors, and administrators, the Delaware Correctional Center, the Department of Corrections, and the State of Delaware, their officers, agents, servants, successors, and assigns, of and from all manner of actions, suits, debts, dues, accounts, bonds, contracts, agreements, claims, and demands whatsoever; in law or in equity which I have not, ever had, or may have concerning the handling of my personal property in storage at the Delaware Correctional Center, and its disposal by the method I have selected as listed above.

_____, WITNESS: _____
(Inmate's Signature)DATE: 1/10/06 DATE: 1/10/06

To: Honorable Judge: William L Witham Jr (Kent County)
 Mary M. Johnston (New Castle)
 Records Dept. D.C.C.

James E Ross

11-14-05

CASE # 0303007243
 VK0303103702

SBI 00167506

SHU18 CUII

I James E Ross Jr is writing in concern of my Level-5 time, AND credit the Month of Feb, 2005 towards my 1-year sentence I am now serving.

I Inmate was returned to Level-5 Feb 8 2005. Sentence Judge William L Witham Jr Imprisonment Effective 02-08-2005 (sentence Date 02-18-05.) MAXIMUM EXPIRATION Date 02-07-2006.

CAN you Please CREDIT the Month of Feb 08, 2005 towards my Level-5 sentence. Please Thank you very much.

Sincerely Yours
 11-14-05

James E Ross Jr

P.S. I RECEIVED a status sheet for the same sentence
 START Date: 03/22/2005 end: 3/21/2006
 STRD: 02-25-2006.

Judge MARY M Johnson, the Month of Feb 8, 2005, should be add toward my Level-5 sentence.

I only stayed at Level-4 facility for 3-Weeks (March 2, 2005 until March 22, 2005.) THANK YOU

NON-credit

Report #
22667

Date: 03/24/2005



DEPARTMENT OF CORRECTION
BUREAU OF COMMUNITY CORRECTION
CVOP Central Violation of Probation Center
875 Symrna Landing Road
SMYRNA DE, 19977
Phone#: 302-659-6100

VIOLATION REPORT - LEVEL - IV
CASELOAD TYPE - 5 -Hold for Plummer

To : Honorable WILLIAM L WITHAM J
Kent County Superior Court

IN RE: ROSS, JAMES E JSBI#: 00167606RACE: BlackSEX: MaleDATE: 03/23/2005DOB : 1963

CASE TYPE	: <u>Detentioner</u>	SENTENCING DATE	: <u>02/18/2005</u>
JUDGE/COURT	: <u>Honorable WILLIAM L WITHAM J</u>	MAXIMUM EXPIRATION DATE	: <u>02/07/2006</u>
	: <u>Kent County Superior Court</u>	PAROLE RELEASE DATE	: <u>N/A</u>
FINE	: <u>N/A</u>	IMPRISONMENT EFFECTIVE	: <u>02/08/2005</u>
COSTS	: <u>N/A</u>	PROBATION EFFECTIVE DATE	:
VCF	: <u>N/A</u>	IMPRISONMENT IMPOSED	: <u>4 Yr(s)</u>
RESTITUTION	: <u>N/A</u>	IMPRISONMENT SUSPENDED	: <u>4 Yr(s)</u>
DRUG EDUCATION FUND	: <u>N/A</u>	PROBATION IMPOSED	: <u>N/A</u>

CHARGE(S): 0303007243-VK0303103701 - Viol O/Probato

SPECIAL CONDITIONS:

CONDITION COMMENTS:

ADDRESS : 344 W-WING DR, DOVER DE- 19901EMPLOYMENT N/ASERVICE REQUESTED YES TYPE: SummonsSubmitted by: 

Williams, Doreen M
(Probation/Parole Officer)

Date Status
sheet
11-03-2005

ON MARCH 22, 2005 I was Charged.
ON MAY 9, three officers Inter my Cell. early
mORNING After Breakfast. I could faintly see.
I RE-member the one officer Inter said
see I you RE-member this.
the same thing the Counselor ask me MARCH 22.
when I was RETURNED to Level-5.
They put pillow over my Face to stop me
from seeing whatever they was doing I Pass
out. When I wake up I could Remember the
first officer Intering the Cell by his words
see IF you Remember this.
He ask me was I Violent, I said Know
then said you don't RE-member what happen
I said (yes) answer. to question.

Officer Shock me down In the mouth
of Oct, can Remember what Day Next
day After officer got assaulted by getting
spitted on In the Face by smooth. In side
Cell Next to me. After that Incident
off Shock both Cell down next day AND
remove my hair which is my DNA, didn't
take Nothing else just my HAIR I was
saveing to BURN when I get release.

11-03-2005 Home Confinement. I Should have
been discharged. straight. I be set-up for A-CRIME

IN THE SUPREME COURT OF THE STATE OF DELAWARE

James E Ross Jr
Defendant Below,
Appellant,

No. 0303007243 VK0303103702

v.

State of Delaware
Plaintiff Below,
Appellee.

NOTICE OF APPEAL

To: Clerk of the Supreme Court

PLEASE TAKE NOTICE that James E Ross Jr
Defendant, below appellant, does hereby appeal to the Supreme Court
of the State of Delaware, from the order Judge Mary M Johnston
of the Superior Court, in and for New castle, County, by
Judge Mary M. Johnston, dated 11-1-2005, in Case Number
0303007243 in that court. A copy of the decision sought to be reviewed
is attached hereto.

The name and address of the attorney below for appellee is
Pro'se the party against whom the
appeal is taken is STATE OF DELAWARE.

The name and address of the attorney below for the party against
whom the appeal is not taken is N/A. The party
against whom the appeal is not taken is N/A.

PLEASE TAKE FURTHER NOTICE that appellant hereby designates
the transcript in accordance with Rules 7(c)(6) and 9(e)(ii) in the following
manner:

N/A

[or] _____

Dated: _____

Attorney for _____

Below-Appellant

SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

SUPREME COURT BUILDING
55 THE GREEN
DOVER, DE 19901

AUDREY F. BACINO
Assistant Clerk

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

DEBRA J. ZATLOKOVICZ
Senior Court Clerk

P.O. BOX 476
DOVER, DE 19903

December 2, 2005

(302) 739-4155
(302) 739-4156
(302) 739-8091

Kevin J. O'Connell, Esquire
Office of the Public Defender
Carvel State Office Building
820 N. French Street
Wilmington, DE 19801

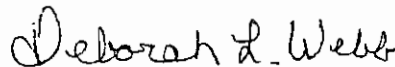
Re: *James E. Ross, Jr. v. State, No. 589, 2005*
(Cr. ID No. 0303007243)

Dear Counselor:

On November 28, 2005, Mr. James E. Ross, Jr. filed a notice of appeal from a violation of probation sentencing order by Judge Johnston dated November 1, 2005, in the above captioned matter. A copy of Mr. Ross' notice of appeal is enclosed for your review.

The Public Defender's office has informed the Clerk's Office that you represented Mr. Ross at the violation of probation hearing on November 1, 2005. Therefore, the Court requests you to file a written statement on or before **December 16, 2005**, indicating that you recognize your continuing obligation under Supreme Court Rule 26(a) to represent Mr. Ross in the above appeal. Please include with your statement a formal notice of appeal and directions to the court reporter, if appropriate.

Very truly yours,



cc: Mr. James E. Ross, Jr.
Loren C. Meyers, Esquire
(with a copy of Mr. Ross' notice of appeal)
Prothonotary, New Castle County

IN THE SUPREME COURT OF THE STATE OF DELAWARE

589 , 2005

PRO SE
(DCC #00167506)

JAMES E. ROSS JR.
Defendant Below,
Appellant,
v.

L. C. MEYERS

STATE OF DELAWARE,
Plaintiff Below,
Appellee.

DF \$ 00.00

2005

- 1 Nov 29 Notice of appeal from the Order dated 11/01/05 in the Superior Court in and for New Castle County, by Judge Johnston, in Cr. I.D. No. 0303007243, with designation of no transcript. (served by mail 11/14/05) (filed 11/28/05) (mjd)
- 2 Dec 02 Letter dated 12/2/05 from Chief Deputy Clerk to Kevin J. O'Connell, Esquire, requesting that recognize his continuing obligation on or before 12/16/05. (dlw)

The Respondent and VOP Officials, REFUSE to allow the Petitioner Into Level-4 Facility Citing that they Refuse to accept Mr. Ross Into their Facility. Thomas Carroll has REFUSED to allow the Petitioner to carry out Superior Court sentence order, AND IN so doing continues to house him at Level-5 even though Level-4 space was available, Thus unlawfully restraining Petitioner of liberty IN Violation of his 8th and 14th Constitutional amendment Rights, cruel and unusual punishment as well as his equal protection rights.

Wherefore, petitioner prays the petition Issue and the writ granted, Petitioner REQUEST the Court to suspend his Level-4 sentence AND discharge him From Respondents Custody, for Failure to abide by Court Order.

James E Ross Jr

Date 11 - -05

SB2 00167506

Exhibits B

TO: James E. Rouse SBI: 10750DATE: 1-15-07

FROM: CLASSIFICATION OFFICE

RE: INITIAL CLASSIFICATION

This is to inform you that the Multi-Disciplinary Team (MDT) has classified you to MAX Security Level. You will be required to complete your treatment plan and follow institutional rules. Negative behavior, excessive write-ups, or failure to complete your treatment plan will result in a higher security level. Your individual treatment plan is listed below and your assigned counselor will monitor your progress. Direct questions to your Counselor.

NOTE: This classification is subject to higher review.

TREATMENT PLAN

MAX

Inmate Signature: James E. Rouse

Date: _____

Next Review: 3/15RA Score: 131A

Three Part Form
 Original: Records
 Pink: File
 Yellow: Inmate
 FORM# 961 (3 pt)

I Don't have level 5
 time. I st level 4-4
 C level-4
 yea

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

NAME James Ross 8:30 AM / ~~PM~~
SENTENCING DATE _____ REPORT TO
VOP DATE Dec 23, 2005 COURT ROOM
CONTEMPT OF COURT _____ # _____
ID# 0303007243 Courthouse
38 The Green
Dover, DE 19901

BE IN COURT WITH YOUR ATTORNEY ON THE ABOVE DATE. IF YOU
HAVE QUESTIONS, CALL THE PROTHONOTARY'S OFFICE AT 739-3184.

DOC. #02 03 10 02 07 01

[illegible]

J. Rom
Officer's Signature Who Inventoried Property

Supervisor's Signature Reviewing Inventory

The acquired/confiscated property, with exceptions noted, as listed above was received from:

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

The acquired/confiscated property, with exceptions noted, as listed above was received from:

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

The acquired/confiscated property, with exceptions noted, as listed above was received from:

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

SMYRNA, DELAWARE

Unauthorized: []

REMOVAL OF PERSONAL ITEMS

Excessive: []

INMATE NAME: ROSS, JamesDATE: 7 Nov 05

(Please Print)

SBI#: 0010 + 506UNIT: K112

I wish to have my personal belongings removed from the Delaware Correctional Center in the following manner as listed below: (Please check one and initial).

1. I authorize the following person to pick up any items. This person will provide identification and sign a receipt for all items received. If the items are not picked up in 30 days after signing this form, I authorize the institution to dispose of the personal items at the departments discretion.

NAME: _____ ADDRESS: _____
(STREET or P.O. BOX)

DATE ITEMS WILL BE PICKED UP. _____
(CITY/TOWN) (STATE) (ZIP)

2. I authorize the item(s) to be sent to the following address at my expense.

NAME: James E Ross Jr ADDRESS: 91 OLD Forge DR
(STREET or P.O. BOX)

I WANT THE ITEM(S) INSURED: YES _____ NO _____
Dover, Delaware 199
(CITY/TOWN) (STATE) (ZIP)

3. I authorize the institution to donate my personal items to a charitable organization.

I, James Ross, do hereby remise, release and forever discharge
(Print Inmate's Name)

for myself, my successors, assigns, heirs, executors, and administrators, the Delaware Correctional Center, the Department of Corrections, and the State of Delaware, their officers, agents, servants, successors, and assigns, of and from all manner of actions, suits, debts, dues, accounts, bonds, contracts, agreements, claims, and demands whatsoever; in law or in equity which I have not, ever had, or may have concerning the handling of my personal property in storage at the Delaware Correctional Center, and its disposal by the method I have selected as listed above.

[Signature], WITNESS: [Signature]
(Inmate's Signature)

DATE: 7 Nov 05 DATE: 7 Nov 05

SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

SUPREME COURT BUILDING
55 THE GREEN
DOVER, DE 19901

P.O. BOX 476
DOVER, DE 19903

AUDREY F. BACINO
Assistant Clerk

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

DEBRA J. ZATLOKOVICZ
Senior Court Clerk

December 2, 2005

(302) 739-4155
(302) 739-4156
(302) 739-8091

Kevin J. O'Connell, Esquire
Office of the Public Defender
Carvel State Office Building
820 N. French Street
Wilmington, DE 19801

Re: ***James E. Ross, Jr. v. State, No. 589, 2005***
(Cr. ID No. 0303007243)

Dear Counselor:

On November 28, 2005, Mr. James E. Ross, Jr. filed a notice of appeal from a violation of probation sentencing order by Judge Johnston dated November 1, 2005, in the above captioned matter. A copy of Mr. Ross' notice of appeal is enclosed for your review.

The Public Defender's office has informed the Clerk's Office that you represented Mr. Ross at the violation of probation hearing on November 1, 2005. Therefore, the Court requests you to file a written statement on or before **December 16, 2005**, indicating that you recognize your continuing obligation under Supreme Court Rule 26(a) to represent Mr. Ross in the above appeal. Please include with your statement a formal notice of appeal and directions to the court reporter, if appropriate.

Very truly yours,

Deborah L. Webb

cc: ✓ Mr. James E. Ross, Jr.
Loren C. Meyers, Esquire
(with a copy of Mr. Ross' notice of appeal)
Prothonotary, New Castle County

IN THE SUPREME COURT OF THE STATE OF DELAWARE

589 , 2005

PRO SE
(DCC #00167506)

JAMES E. ROSS JR.
Defendant Below,
Appellant,
v.

L. C. MEYERS

STATE OF DELAWARE,
Plaintiff Below,
Appellee.

DF \$ 00.00

2005

- 1 Nov 29 Notice of appeal from the Order dated 11/01/05 in the Superior Court in and for New Castle County, by Judge Johnston, in Cr. I.D. No. 0303007243, with designation of no transcript. (served by mail 11/14/05) (filed 11/28/05) (mjd)
- 2 Dec 02 Letter dated 12/2/05 from Chief Deputy Clerk to Kevin J. O'Connell, Esquire, requesting that recognize his continuing obligation on or before 12/16/05. (dlw)

IN THE SUPREME COURT OF THE STATE OF DELAWARE

James E Ross Jr

Defendant Below,
Appellant,

v.

State of Delaware

Plaintiff Below,
Appellee.

No. 0303007243 VK0303103702

NOTICE OF APPEAL

To: Clerk of the Supreme Court

PLEASE TAKE NOTICE that

JAMES E ROSS JR
Defendant, below appellant, does hereby appeal to the Supreme Court

of the State of Delaware, from the order

Judge Mary M Johnston

of the Superior Court, in and for New castle, County, by

Judge Mary M. Johnston, dated 11-1-2005, in Case Number

0303007243 in that court. A copy of the decision sought to be reviewed

is attached hereto.

The name and address of the attorney below for appellee is
Proise, the party against whom the
appeal is taken is STATE OF Delaware.

The name and address of the attorney below for the party against
whom the appeal is not taken is N/A. The party
against whom the appeal is not taken is N/A.

PLEASE TAKE FURTHER NOTICE that appellant hereby designates
the transcript in accordance with Rules 7(c)(6) and 9(e)(ii) in the following
manner:

N/A
[or] _____

Dated: _____

Attorney for _____
_____ Below-Appellant

In the Supreme Court of the State of Delaware

James E. Ross Jr

V

Case # 0303007243
VK 0303103702

State of Delaware

Certificate of Service

I certify that I have caused that on this day of 11-14-05 to Copy of the attached Notice of Appeal Upon the Following address Indicated by United States MAIL, Postage prepaid on:

Attorney General's Office
Department of Justice
Carvel State Office Building
820 N French St.
Wilmington, Delaware

Brian J. Bartley
Assistant Public Defender

Elbert N. Carvel State Office Building
820 North French St, Third Floor
P.O. Box 8911
Wilmington, Delaware 19801

IN THE SUPREME COURT OF THE STATE OF DELAWARE

James E Ross Jr
Defendant Below,
Appellant,

No. 0303007243 VK0303103702

v.

State of Delaware
Plaintiff Below,
Appellee.

NOTICE OF APPEAL

To: Clerk of the Supreme Court

PLEASE TAKE NOTICE that James E Ross Jr
Defendant, below appellant, does hereby appeal to the Supreme Court
of the State of Delaware, from the order Judge Mary M Johnston
of the Superior Court, in and for New castle County, by
Judge Mary M. Johnston dated 11-1-2005, in Case Number
0303007243 in that court. A copy of the decision sought to be reviewed
is attached hereto.

The name and address of the attorney below for appellee is
Pro'se the party against whom the
appeal is taken is STATE OF Delaware.

The name and address of the attorney below for the party against
whom the appeal is not taken is N/A. The party
against whom the appeal is not taken is N/A.

PLEASE TAKE FURTHER NOTICE that appellant hereby designates
the transcript in accordance with Rules 7(c)(6) and 9(e)(ii) in the following
manner:

N/A
[or] _____

Dated: _____

Attorney for _____
_____ Below-Appellant

In the Supreme Court of the State of Delaware

James E. Ross Jr

V

Case # 0303007243
VK 0303103702

State of Delaware

Certificate of Service

I certify that I have caused that on this day of 11-14-05 to copy of the attached Notice of Appeal upon the following address indicated by United States Mail, postage prepaid on:

Attorney General's Office
Department of Justice
Carvel State Office Building
820 N French St.
Wilmington, Delaware

Brian J. Bartley
Assistant Public Defender
Elbert N. Carvel State Office Building
820 North French St. Third Floor
P.O. Box 8911
Wilmington, Delaware 19801

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR _____ COUNTY

IN THE MATTER OF THE PETITION OF) C.A. No.
) Habeas Corpus

The State of Delaware,

You are Commanded:

To have _____ who is allegedly detained in your custody, before the Superior Court of the State of Delaware, at the County Court House at _____ Delaware immediately after the receipt of this Writ; and to abide any order which the Court shall make concerning Petitioner.

And further, to certify fully in writing under oath the true cause of said detention, and to have there a copy of all process or orders, if any, under which he is detained and also this Writ.

Prothonotary

Dated: _____

To the above named Respondent:

In case of your failure to produce _____ as above commanded, and fully certify in writing under oath the true cause of his detention, with a copy of all process or orders, if any, under which he is detained, within 3 days after service hereof upon you if the place where he is detained is not more than 20 miles from the County Court House, or within 6 days if such place is more than 20 miles, you may be adjudged to be in contempt of court.

Prothonotary

State of Delaware)

New Castle County)

ss.

_____, Sheriff of _____
County, deposes and says that he served personally upon _____
the original Writ of
Habeas Corpus of which the within is a true copy, by leaving the
original Writ with _____

on _____

19____.

SWORN TO AND SUBSCRIBED before me, _____,

19____.

Prothonotary

IN THE Superior COURT OF THE STATE OF DELAWARE
IN AND FOR _____ COUNTY

IN THE MATTER OF _____

§
§
§
§

C.A. No. _____

for a writ of habeas corpus.

MEMORANDUM IN SUPPORT OF WRIT OF HABEAS CORPUS

The above defendant submits this memorandum in support of his petition for writ of habeas corpus. Petitioner states the following in support:

1. The criminal action number in this case is _____

2. Your petitioner is being unlawfully restrained of his liberty, in violation of the laws of the State of Delaware, by reason of the Respondent and V.O.P.'s refusal to accept the Petitioner into Level IV facility to carry out Court Order Respondent Thomas Carroll's oppressive action of refusing to allow petitioner to serve level IV sentence, continues to house him at Level V despite available space at level IV is unlawfully restraining him of his liberty in violation of his 8th 14th amendment rights and in violation of Court Order

WHEREFORE, petitioner prays the petition issue and the writ granted. Petitioner further requests the Court to Suspend level I sentence and discharge him from Respondent's custody for failing to abide by Court Order.

James E Ross Jr 00167506

Delaware Correctional Center
Smyrna, DE 19977

Dated: _____

The Respondent and VOP Officials, REFUSE to allow the Petitioner Into Level-4 Facility. Citing that they Refuse to accept Mr. Ross Into their Facility. Thomas Carroll has REFUSED to allow the Petitioner to carry out Superior Court sentence order, AND IN so doing continues to house him at Level-5 even though Level-4 space was available, thus unlawfully restraining Petitioner of liberty IN Violation of his 8th and 14th Constitutional amendment Rights, CRUEL AND UNUSUAL punishment as well as his equal protection Rights.

Wherefore, petitioner prays the petition Issu and the writ granted, Petitioner REQUEST to Court to suspend his Level-4 sentence AND discharge him From Respondents Custody, for Failure to abide by Court Order.

James E Ross Jr

Date 11 - -05

JBZ 00167506

Exhibits A

18 CUII

Offender Status Sheet

Date: 11/07/2005

SBI #: 00167506 Name: JAMES E ROSS
 Location(s): DCC Level(s): 4H Race: BLACK DOB: 1963
 AKA: JAMES E ROSS; JAMES E ROSS; JAMES E ROSS; JAMES E ROSSBEY; JEROME ROSS
 Offender Type: Sentenced Officer(s):

Level: 4H												
Start Date: 03/22/2005		MED: 03/21/2006		STRD: 02/25/2006		ADJ: 02/25/2006		PED:		Statutory Days Earned: 24.00		
CASE#/ Court/ Type	CRA#/ Judge	Charge Desc/ Sen. Type/ Sentence Date	Status/ Eff. Date	Length			Start Dt	MED	STRD	Adj Date	CR	Wk
				Y	M	D						
0303007243	VK0303103702	VIOL O/PROBATN	Current	1	0	0	03/22/2005	03/21/2006	02/25/2006	02/25/2006		
U7	Mary M Johnston	STANDARD	11/01/2005	03/22/2005								

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
VK0303103702	4H	CRT1	Other Conditions:	AS TO VN03-03-1037 (VOP = PWITD) SENTENCED TO 4 YEARS LEVEL 5. SUSPENDED FOR 1 YEAR LEVEL 4 HOME CONFINEMENT. WHICH IS SUSPENDED AFTER PAYMENT IN FULL OF \$1,800. HOLD AT LEVEL 5 UNTIL SPACE IS AVAILABLE AT LEVEL 4 HC. ** DISCHARGED ONCE FINANCIAL OBLIGATIONS ARE PAID IN FULL. DH

Exhibits B

L7 MC

10 2011

TO: James E. Ross SBI: 167506DATE: 11/7/05

FROM: CLASSIFICATION OFFICE

RE: INITIAL CLASSIFICATION

This is to inform you that the Multi-Disciplinary Team (MDT) has classified you to MAX Security Level. You will be required to complete your treatment plan and follow institutional rules. Negative behavior, excessive write-ups, or failure to complete your treatment plan will result in a higher security level. Your individual treatment plan is listed below and your assigned counselor will monitor your progress. Direct questions to your Counselor.

NOTE: This classification is subject to higher review.

TREATMENT PLAN

MAX Programs

Inmate Signature: James E. Ross

Date: _____

Next Review: NIARA Score: NIA

Three Part Form
 Original: Records
 Pink: File
 Yellow: Inmate
 FORM# 961 (3 pt)

Don't have level 5
 time. + level 4-6
 level-
 14

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

JAMES E. ROSS, JR.,

Defendant Below,
Appellant,

V.

STATE OF DELAWARE,

Plaintiff Below,
Appellee.

)
)
)
)
) No. 589, 2005
)
)
)
)
)

FORMAL NOTICE OF APPEAL

TO: LOREN C. MEYERS, ESQUIRE
Deputy Attorney General
Department of Justice
State Office Building
820 North French Street
Wilmington, DE 19801

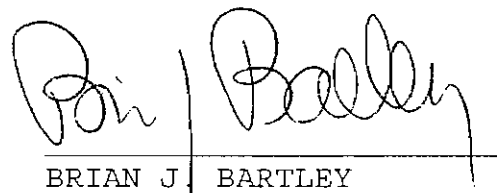
PLEASE TAKE NOTICE that James E. Ross, Jr. , defendant below-appellant, does hereby appeal to the Supreme Court of the State of Delaware, from the violation of probation sentence imposed on November 1, 2005, in the Superior Court of the State of Delaware by the Honorable Mary M. Johnston in Criminal Action ID No. 0303007243 in that Court. The name and address of the attorney below for Appellee is: Loren C. Meyers, Deputy Attorney General, Department of Justice, State Office Building, 820 North French Street, Wilmington, Delaware. The party against whom the appeal is taken is the State of Delaware.

The Order being appealed from is hereby attached.

PLEASE TAKE FURTHER NOTICE that appellate hereby designates the portions of the record and transcript in accordance with Rule 7(c) (6) and 9(e)(ii) in the following manner.

Designation set forth on attached Exhibit A.

Dated: 12/14/05

A handwritten signature in cursive script, appearing to read "Bartley", written over a horizontal line.

BRIAN J. BARTLEY
Assistant Public Defender
STATE ID No. 2029
Carvel State Office Building
820 N French Street
Wilmington, DE 19801

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

STATE OF DELAWARE

VS.

JAMES E ROSS

Alias: See attached list of alias names.

DOB: /1963
SBI: 00167506

CASE NUMBER:
0303007243

CRIMINAL ACTION NUMBER:
VK03-03-1037-01
VIOL O/PROBATN
ORIG. CHARGE:
ATT. PWITD NSII(F)

COMMITMENT

MODIFIED VIOLATION OF PROBATION SENTENCE ORDER

NOW THIS 1ST DAY OF NOVEMBER, 2005, IT IS THE ORDER OF
THE COURT THAT: the order dated February 18, 2005 is
hereby modified as follows: The defendant is found in
violation. Defendant is sentenced as follows:

AS TO VK03-03-1037-01 : TIS 11 Del.C.05310001FC
VIOL O/PROBATN - FOUND IN VIOLATION

Effective February 8, 2005 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 4 year(s) at supervision level 5

- Suspended for 1 year(s) at supervision level 4 WORK
RELEASE

- Hold at supervision level 3

- Until space is available at supervision level 4 WORK
RELEASE

Probation is concurrent to any probation now serving.

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE
VS.
JAMES E ROSS
DOB: /1963
SBI: 00167506

CASE NUMBER:
0303007243

Upon full payment of court obligations, level 4 program is suspended.

NOTES

The substance abuse evaluation and treatment ordered on the original sentence are hereby eliminated.

=====
The VOP Sentence Order dated February 18, 2005 is hereby modified to change the hold level from 5 to 3 pending placement at work release. Upon payment in full of all financial obligations, this probation is discharged as unimproved.

SO ORDERED.

Johnston, J.

JUDGE MARY M JOHNSTON

LIST OF ALIAS NAMES

STATE OF DELAWARE

VS.

JAMES E ROSS

DOB: /1963

SBI: 00167506

CASE NUMBER:

0303007243

JAMES E ROSSBEY

JEROME ROSS

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

JAMES E. ROSS, JR.,)	
)	
Defendant Below,)	
Appellant,)	
)	
v.)	No. 589, 2005
)	
STATE OF DELAWARE,)	
)	
Plaintiff Below,)	
Appellee.)	

DIRECTIONS TO COURT REPORTER TO PROCEEDINGS
BELOW TO BE TRANSCRIBED PURSUANT TO RULE 9(e)

TO: MICHELE HONAKER AND DOMENIC VERECHIA
Superior Court Reporters
New Castle County Courthouse
500 N King Street
Wilmington, DE 19801

Appellant does hereby direct the proceedings in
State of Delaware vs. James E. Ross, Jr., Criminal Action
ID No. 0303007243 in the Superior Court of the State of
Delaware, In and For New Castle County, to be transcribed
as follows:

1. The transcript of the Violation of Probation
Hearing and Sentencing heard on November 1, 2005 before the
Honorable Mary M. Johnston.

2. The transcript of the Verdict and subsequent colloquy between Court and Counsel in the Trial in Case ID No. 0503018674 before the Honorable Mary M. Johnston. Trial was held on October 27 and 28, 2005.

I hereby certify that transcription of the above-listed portions of the proceedings below is essential to the prosecution of this appeal.

Dated: 12/14/05

A handwritten signature in black ink, appearing to read "B. J. Bartley", written over a horizontal line.

BRIAN J. BARTLEY
Assistant Public Defender
State ID No. 2029
State Office Building
820 North French Street
Wilmington, DE 19801

EXHIBIT A

PUBLIC DEFENDER OF THE STATE OF DELAWARE EXPERT SERVICES			
Client Name <u>James E. Ross Jr</u>		Incarcerated? <u>yes</u> Location <u>PCC</u>	Court (circle one) <u>SC</u> <u>CCP</u> <u>FC</u> <u>JP</u>
PD File # <u>NONE</u> NCC <u>KC</u> <u>SC</u>	DUC Number <u>0303007243</u>	Lead Charge <u>VOP</u>	Capital Case Yes <u>(No)</u>
Assigned Attorney <u>Brian J. Bartley</u>		Assigned PFE	Hearing Date <u>11-1-05</u>
Name of Expert <u>Michele Honaker</u>			
Medical/Forensics/ Psychological and other Allied Fields of Study. (Check all that apply): <input type="checkbox"/> Court Appearance: Type of hearing _____ <input type="checkbox"/> Evaluation (circle one) EED, NGRI, GBMI, Competency, Other/explain _____ <input type="checkbox"/> Written Report <input type="checkbox"/> Records Review <input type="checkbox"/> Other/explain _____			
Fees: based on the above request, the maximum allowable fees have been established for this case as follows: Evaluation, consultation, report _____ (travel included) Court appearance: 1/2 day _____ full day _____ (travel included) Records review _____ Interview _____ Other/explain _____			
Interpreters Language Needed: _____ _____ The Spanish interpreter employed by the office is not available. Purpose: <input type="checkbox"/> Interview <input type="checkbox"/> Court Appearance, type hearing _____ <input type="checkbox"/> Other/explain _____		Miscellaneous <input type="checkbox"/> Records <input type="checkbox"/> Copies <input type="checkbox"/> Photos <input type="checkbox"/> Other/explain _____ <input type="checkbox"/> Cost _____ <input type="checkbox"/> Polygraph (Attach Client Consent Form and specific questions and documents necessary for the exam)	
Transcripts: note the name of each court reporter involved, the dates they are transcribing and the cost:			
	Date(s) of Hearing	Court Reporter	Estimated Cost
<input type="checkbox"/> Preliminary Hearing			
<input checked="" type="checkbox"/> VOP	<u>11-1-05</u>	<u>Michele Honaker</u>	<u>\$100.00</u>
<input type="checkbox"/> Sentencing			
<input type="checkbox"/> Other _____			
<input type="checkbox"/> Trial			
<input type="checkbox"/> Trial			
<input type="checkbox"/> Trial			
<input type="checkbox"/> Trial			
(Attach a separate sheet if necessary for additional trial dates. Include hearing date(s), name of court reporter, and cost).			
Justification for the Request: <u>Appeal</u>			
Requestor Name: <u>Brian J. Bartley</u>	Phone Number (302) <u>577-5135</u>	Date <u>12-8-05</u>	
Local Office Review/Name: _____	Phone Number (302) _____	Date Approved <u>yes</u> <u>no</u>	
Main Office Review/Name: <u>[Signature]</u>	Phone Number (302) <u>577 5117</u>	Date Approved <u>yes</u> <u>no</u>	
Reason Denied <input type="checkbox"/> Can be done inter-office, <input type="checkbox"/> No funds, <input type="checkbox"/> Other	Purchase Order # Appropriation	Requestor Notified by <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Personal	
Requestor Instructions – The status of your request can be found in the PD database under expert requests. Once approved, the requestor shall notify the expert. For Medical/Forensics/Psychological and other Allied Fields of Study the expert will receive this form, billing instructions and a purchase order. Payment to the expert will not exceed the established amount. If additional services are needed a new expert services form must be submitted. NOTIFY THE EXPERT AND THE MAIN OFFICE IMMEDIATELY IF SERVICES ARE CANCELLED. THE EXPERT IS ENTITLED TO BILL THE OFFICE AT 50% IF NOT NOTIFIED 48 HOURS IN ADVANCE.			

PUBLIC DEFENDER OF THE STATE OF DELAWARE EXPERT SERVICES			
Client Name <u>James E. Ross, Jr.</u>		Incarcerated? <u>yes</u> Location <u>DCC</u>	Court (circle one) <u>SC</u> <u>CCP</u> <u>FC</u> <u>JP</u>
PD File # <u>200516424</u> <u>NCC</u> <u>KC</u> <u>SC</u>	DUC Number <u>0503018674</u>	Lead Charge <u>Host Det. Facil</u>	Capital Case Yes <u>No</u>
Assigned Attorney <u>Max J. Bartley</u>	Assigned PFE	Hearing Date <u>10-27-10-28-05</u>	
Name of Expert: <u>Domenic Vercchia</u>			
Medical/Forensics/ Psychological and other Allied Fields of Study. (Check all that apply): <input type="checkbox"/> Court Appearance: Type of hearing _____ <input type="checkbox"/> Evaluation (circle one) EED, NGRI, GBMI, Competency, Other/explain _____ <input type="checkbox"/> Written Report <input type="checkbox"/> Records Review <input type="checkbox"/> Other/explain _____			
Fees: based on the above request, the maximum allowable fees have been established for this case as follows: Evaluation, consultation, report _____ (travel included) Court appearance: ½ day _____ full day _____ (travel included) Records review _____ Interview _____ Other/explain _____			
Interpreters Language Needed: _____ _____ The Spanish interpreter employed by the office is not available. Purpose: <input type="checkbox"/> Interview <input type="checkbox"/> Court Appearance, type hearing _____ <input type="checkbox"/> Other/explain _____		Miscellaneous <input type="checkbox"/> Records <input type="checkbox"/> Copies <input type="checkbox"/> Photos <input type="checkbox"/> Other/explain _____ <input type="checkbox"/> Cost _____ <input type="checkbox"/> Polygraph (Attach Client Consent Form and specific questions and documents necessary for the exam)	
Transcripts: note the name of each court reporter involved, the dates they are transcribing and the cost:			
	Date(s) of Hearing	Court Reporter	Estimated Cost
<input type="checkbox"/> Preliminary Hearing	_____	_____	_____
<input type="checkbox"/> VOP	_____	_____	_____
<input type="checkbox"/> Sentencing	_____	_____	_____
<input type="checkbox"/> Other	_____	_____	_____
<input checked="" type="checkbox"/> Trial Verdict	<u>10-27/28-05</u>	<u>Domenic Vercchia</u>	<u>\$75.00</u>
<input type="checkbox"/> Trial	_____	_____	_____
<input type="checkbox"/> Trial	_____	_____	_____
<input type="checkbox"/> Trial	_____	_____	_____
(Attach a separate sheet if necessary for additional trial dates. Include hearing date(s), name of court reporter, and cost).			
Justification for the Request: <u>Appeal of VOP</u>			
Requestor Name: <u>Max J. Bartley</u>	Phone Number (302) <u>577-5135</u>	Date <u>12-8-05</u>	
Local Office Review/Name: _____	Phone Number (302) _____	Date Approved yes no	
Main Office Review/Name: <u>AY</u>	Phone Number (302) <u>577-5117</u>	Date Approved <u>yes</u> no	
Reason Denied <input type="checkbox"/> Can be done inter-office, <input type="checkbox"/> No funds, <input type="checkbox"/> Other	Purchase Order # Appropriation	Requestor Notified by <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Personal	
Requestor Instructions – The status of your request can be found in the PD database under expert requests. Once approved, the requestor shall notify the expert. For Medical/Forensics/Psychological and other Allied Fields of Study the expert will receive this form, billing instructions and a purchase order. Payment to the expert will not exceed the established amount. If additional services are needed a new expert services form must be submitted. NOTIFY THE EXPERT AND THE MAIN OFFICE IMMEDIATELY IF SERVICES ARE CANCELLED. THE EXPERT IS ENTITLED TO BILL THE OFFICE AT 50% IF NOT NOTIFIED 48 HOURS IN ADVANCE.			

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

JAMES E. ROSS, JR.,)	
)	
Defendant Below,)	
Appellant,)	
)	
v.)	No. 589, 2005
)	
STATE OF DELAWARE,)	
)	
Plaintiff Below,)	
Appellee.)	

AFFIDAVIT OF MAILING


BE IT REMEMBERED that on this *14th* day of December 2005, personally appeared before me, a Notary Public for the State and County aforesaid, Elaine Folsom, a secretary for the Public Defender's Office, who being by me duly sworn did depose and say as follows:

1. That she caused to be delivered by Public Defender's runner, two copies of Appellant's Notice of Appeal and two copies of Directions to Court Reporter to Proceedings Below to be Transcribed Pursuant to Rule 9(e) in the above-captioned matter to Loren C. Meyers, Esquire, Deputy Attorney General, Department of Justice, State Office Building, 820 North French Street, Wilmington, Delaware 19801.

2. That she caused to be delivered by Public Defender's runner, two copies of Appellant's Directions to the Court Reporter to Proceedings Below to be Transcribed Pursuant to Rule 9(e) in the above-captioned matter to Michele Honaker and Dominic Verechia, Superior Court reporters, New Castle County Courthouse, 500 King Street, Wilmington, Delaware 19801.


Elaine Folsom

SWORN TO AND SUBSCRIBED by me the day and year aforesaid.


ATTORNEY AT LAW



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

BRIAN J. BARTLEY
ASSISTANT PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

TELEPHONE
(302) 577-5135

BY FAX ONLY
302-653-5023

December 7, 2005

Department of Corrections Records
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: State of Delaware v. James E. Ross, Jr.
ID No. 0303007243

To Records:

Please find enclosed a copy of the Modified Violation of Probation Sentencing Order dated November 1, 2005 in connection with case number 0303007243.

You will note that the Level 4 sentence is for work release but that the Judge specifically ordered (at page 1) that the defendant be held at Level 3 pending availability of space at supervision Level 4 work release.

You will also note that the attached Sentence Order provides that "The VOP Sentence Order dated February 18, 2005 is hereby modified to change the hold level from 5 to 3 pending placement at work release".

Speaking with someone from Records this morning, I was advised that a copy of the Sentence Order was not in Mr. Ross' file. Please release Mr. Ross immediately upon receipt of this communication.

Mr. Ross' Assault In A Detention Facility charges resulted in an outright acquittal after a Jury Trial on October 28, 2005.

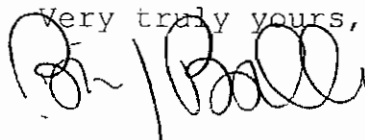
Department of Corrections Records
Delaware Correctional Center
December 7, 2005
Page 2

Please find enclosed a copy of the JIC printout showing that a release was faxed to DCC on October 28, 2005.

Finally, I understand that Mr. Ross continues to be held at SHU. If there is any basis for his continued detention, would you please advise me by either FAX at 302-577-3995 or E-mail at Brian.Bartley@State.DE.US.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Bartley', with a stylized flourish at the end.

Brian J. Bartley
Assistant Public Defender

BJB/ef

cc: Kevin Howard, Esquire by FAX at 302-672-7336
James E. Ross, Jr. by State Mail

Position cursor or enter screen value to select

GC701A ***** Courts Case Management *****

Dec 7,05

- Browse Docket -

1 more >

Name: ROSS JAMES E.

SBI#: 00167506 DOB: '1963

Age Of Case: 256 Status: SA CC

Crt: S Loc: N Company Ind:

Event Date Ref

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01 TRIORD 06/20/2005 13 ORDER SCHEDULING TRIAL FILED.
02 DISORD 06/20/2005 14 DISCOVERY ORDER FILED: STATE MUST PROVIDE OUTSTANDIN
03 SUBMLD 09/26/2005 15 SUBPOENA(S) MAILED FOR JURY TRIAL ON 10/18/05 @ 8:45
04 SUBRET 10/05/2005 19 SUBPOENA(S) RETURNED.
05 AFFIDA 10/17/2005 17 AFFIDAVIT FILED. REFERRED TO COUNSEL OF RECORD FOR R
06 TJT 10/18/2005 TRIAL CALENDAR-CONTINUED. DEFENSE REQUEST.
07 TRIORD 10/18/2005 16 ORDER SCHEDULING TRIAL FILED VIA E-MAIL.
08 RTCMEM 10/19/2005 18 REFERRAL TO COUNSEL MEMORANDUM FILED.
09 TJT 10/27/2005 TRIAL CALENDAR- WENT TO TRIAL JURY
10 CHARJU 10/28/2005 20 CHARGE TO THE JURY FILED.
11 JTRIAL 10/28/2005 21 JURY TRIAL HELD BEFORE JUDGE JOHNSTON AND JURY ON 10/
12 RELESE 10/28/2005 22 RELEASE FAXED TO DCC

```

*** End of Data ***

Case#: 0503018674_ Date: _____ Event: _____ Crt S Detail _ Sel: _

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---

help retrn CASE DETL SCHED CHARG bkwrđ SENT PRINT WANTP < > main

In the Superior Court of the State of Delaware
In and For New Castle County

James E Ross Jr.

CASE # C5C3C18674

State of Delaware

Affidavit

ON 3-22-05 I had at that date, only been In
the Facility for three Week 3-2-05 untill 3-22-05

AT BreackFast I eat AND RETURN to my Pod.

I began Feeling sick From that Mournings Breakfast
so I Feeled out A sick call slip.

I was later told by the Nurse.

I wouldn't see the Doctor.

FOR several Days.

She told me to lie down.

And wait to see IF what I eat Pass through me.

I Then Followed the Nurse Instructions

At 11:00am I was lying on my Bunk.

Which Is Place near the back of the Pod.

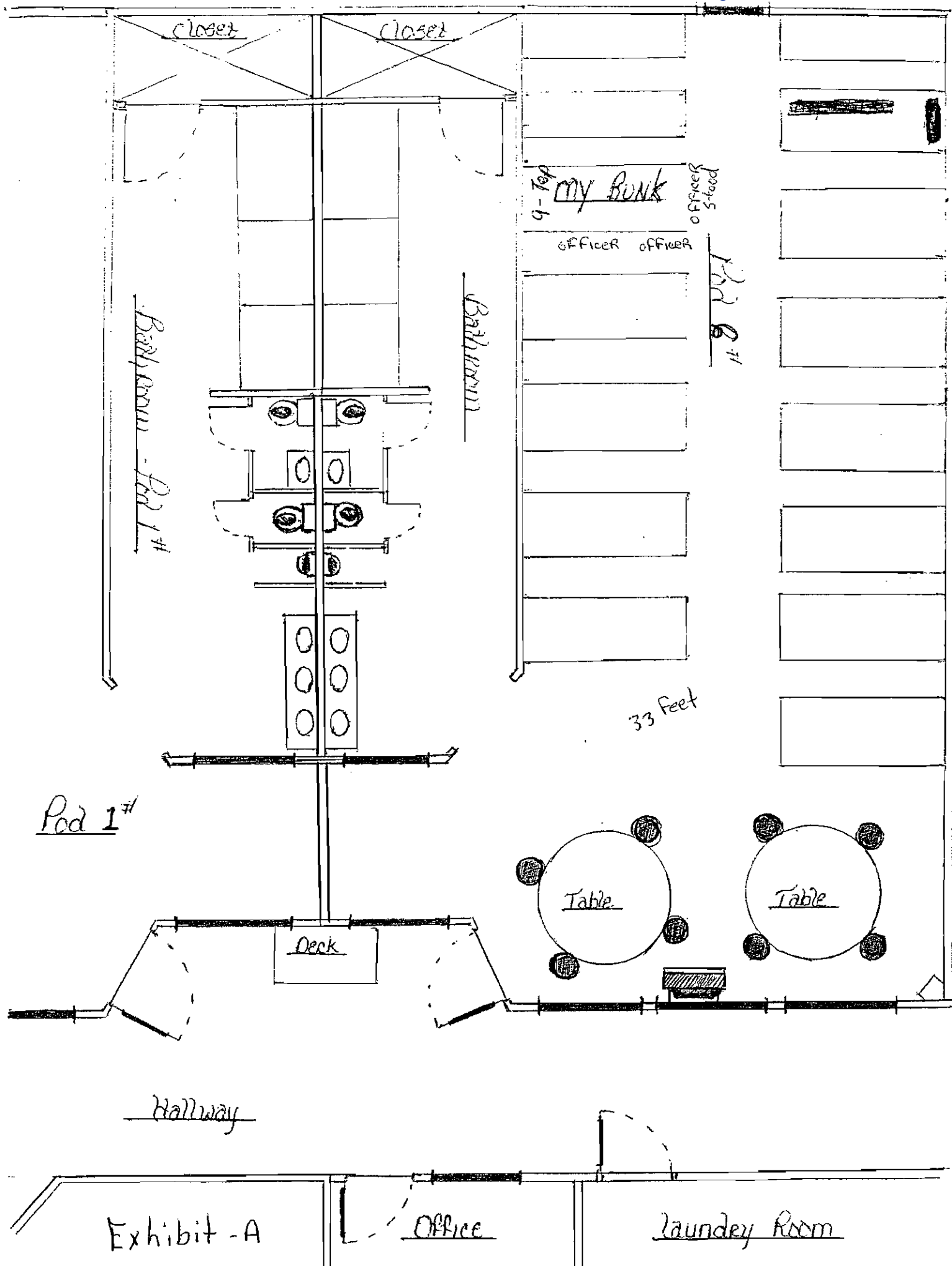
Whew the Pod Officer came around FOR Count.

The rules Require.

that everyone stand In Front of the Bunks.

I was told by the Nurse to lye down.

Medical Issues Allways over ride houseing rules
such as standing FOR Count.



At 11:13 a.m. chow was called.

For my housing Unit.

I was still lying down.

Officer saw me still lying down.

He came over to me.

Told me to get up and go to chow.

I then explain to Officer Wagner

That I'm Feeling Very ill

AND I do not wish to go to chow.

Officer called for Assistance.

three Officers enter the Pod.

Officer Staff Lt Robert May.

Lt Kuneman.

AND Sergeant Amond Divrigilis.

I tried to set-up and explain.

Lt May and Sergeant Amond.

Came on the side of my Bunk I was face-ing

AND ask, what's the Problem.

I sat-up in pain AND start explaining

Lt Donald Kuneman Cap-stun me.

From the Foot of the Bunk. were He stood.

I was Shock AND Afraid so I got down

Because IF Lt Robert May and Sergeant Amond

was to pull me, I would have seriously

been Injure. The Bunk is 5 Foot High.

3-Foot Apart.

I got down and heard the Officer Say Report to the hold Area.

I started hidding towards the door.

I walked About 33 feet.

And Feel And Officer CRAB me.

And through his arm AROUND my Neck.

While the other Officer CRAB my ARM

AND started handcuffing me.

Officer got one handcuff ON.

L-t Robert may crip began getting tighter

I stoped walking AND said I was going to the holding AREA.

OFFICER L-t Robert MAY said Its not that easy.

And started Chokeing me.

I tryed to turn but the choke hold was to tight me AND OFFICER L-t MAY start falling to the Floor

L-t KUNEMAN Sprayed me DiARrectly In my face.

I put my Face to the Floor.

L-t Robert MAY hands were AROUND my Neck.

And one trapped under my Bobby.

Counselor Mrs Williams Enter the Pod.

I could faintly see her.

I held my hands out to her with the one hand cuff attached

She began to pull my arm
trying to pull me out

She dragged me across L-t Robert left hand
that was trapped under my Body.

It was to know Avail

I started to pass out lose CONSCIOUSNESS.

Counselor Mrs Williams lift my arm I fell to the Floor

Counselor Mrs Williams again lift my arm I fall to
the Floor.

I could faintly see another Officer enter
the Pod

Officer Flint

L-t Robert May look at him AND release his
choke hold

I was then able to get my hands behind me.

Officer Flint got down handcuff my other Arm
Pick me up off the Floor.

Start taking me off the Pod.

Officer L-t Kuveman tried to assisted him

Officer took me to the holding Cell.

I have know Ideal how L-t Kuveman
got hurt.

Dear Mr. Barclay,

CR. A. No., 0503015674

- I'm writing to you in regards to the witnesses I would request you summon to court, or subpoena the
- 1.) Doreen Williams, a probation officer who works with in the Central Violation of Probation Center.

Mrs. Williams, Exhibit proves proof that I've been charged with to many counts of Assault, as shown on pages 3 of 5 and 2 of 5, of the Violation Report #22667

In the report, the officer Williams, states: officers that attempted to get him off his feet, causing injuries to at least two officers. -
- (And I was clearly charged with three). -

- 2.) Officer Flint, a Correctional officer with in the Central Violation of Probation Center, located at 875 Smyrna Landing Rd, Smyrna, Del 19977.
Both officers where eye-witnesses to the account

Date; _____

Truly yours!
x JAMES E. ROSS JR.
5.BX# 00167506

C.C.

10431

CVOP Central Violation of Probation Center
875 Symma Landing Road
SMYRNA, DE 19977
Phone No. 302-659-8100

ADMINISTRATIVE WARRANT - Standard

Warrant Date: 03/22/2005

RE: Ross, James E J

SBI#: 00167506

R/S: B / M DOB: 1/1963

Judge/Court: The Honorable WILLIAM L WITHAM / Kent County Superior Court

Charge(s): 0303007243 - VK0303103701 - VIOL O/PROBATN

The above named offender is under Level IV supervision by the Department of Correction and is alleged to be in violation of their conditions of supervision.

I, Records, Mike, a Probation/Parole Officer of the Department of Correction, do hereby deputize any Sheriff, Constable, or Peace Officer of the State of Delaware to arrest and detain:

Ross, James E J, pursuant to 11 Del. Code, 4334(b) and/or 4352(a).

Warrant Comments: The offender was at CVOP since 3/2/05 awaiting placement at a Work Release bed. The sentence effective date was 3/2/05.

In addition to the admin warrant, new charges are being considered on this offender at this time.

IT IS ALLEGED THAT THE FOLLOWING CONDITION(S) OF SUPERVISION HAS (HAVE) BEEN VIOLATED:

Condition #: VC3 You Must Abide By All The Rules And Regulations Of The County Community Correction Center And/Or The Residential Treatment Program As Described In The Orientation Manual.

On 3/22/05, this offender was to stand for the 1100 headcount before chow began. He refused several orders to get off his bed and stand. He then fought with officers that attempted to get him off his bed, causing injury to at least two officers. This is disorderly/assaultive behavior that goes against the rules of this facility.

A VOP HAS BEEN SUBMITTED REQUESTING A CAPIAS BE ISSUED. (Circle One) YES NO

Administrative Warrant must be faxed to the sentencing judge and the Pre-Sentence office upon arrest.

SIGNED:

Records, Mike

DATE:

3/22/05

LEVEL 4

BAIL AUTHORIZATION

HOLD WITHOUT BAIL UNTIL THE VIOLATION HEARING ON:

April 8, 2005 @ 9 AM

SO ORDERED:

DATE:

3-24-2005

OC: PROTHONOTARY
XC: PROBATION & PAROLE-FAX
DOC-FAX

Report #
22771

NO. 873
Date: 03/29/2005

C02



CVOP Central Violation of Probation Center
875 Symrna Landing Road
SMYRNA DE, 19977
Phone#: 302-859-6100

EXHIBIT BIN RE: Ross, James E JSBI #: 00167506DATE: 03/29/2005Case/Charge(S): 0303007243 - JK03031037 - ATT> PWITD**NATURE AND CIRCUMSTANCES OF VIOLATION**

It has been alleged that the following conditions of supervision have been violated :

- [X] VC1 You Shall Not Commit And/Or Be Convicted Of Any Criminal Offense During The Supervision Period.
This includes the charges of Escape After Conviction, Escape 3rd and Motor Vehicle offenses

Comments:

VC1 On 3/22/05, Offender James Ross was instructed to stand for the 1100 hrs. headcount before chow was to begin, he refused several orders to get off his bed and stand. He then fought with Officers that attempted to get him off his bed, causing injury to at least two Officers.

This is deemed as Disorderly/Assaultive Behavior that goes directly against the rules of this facility.

*******ADDENDUM*******

On 3/26/05, Offender James Ross was arrested and charged with 3 counts of Assault in a Detention Facility-Injury to Another.
These charges are pending.

REFER TO VOP REPORT # 22667 FAXED TO SCKC ON 3/24/05. A VOP HEARING IS SCHEDULED FOR 4/8/05 AT 9AM BEFORE JUDGE WILLIAM L. WITHAM.

Approved

Supervisor

RECEIVED
FILED
Williams, Doreen M
Probation/Parole officer

Report #
22667



Date: 03/24/2005

DEPARTMENT OF CORRECTION
BUREAU OF COMMUNITY CORRECTION
CVOP Central Violation of Probation Center
875 Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-659-5100

VIOLATION REPORT - LEVEL - IV
CASELOAD TYPE - 5 -Hold for Plummer

To : Honorable WILLIAM L WITHAM J
Kent County Superior Court

IN RE: ROSS, JAMES E J

RACE: Black

DOB : 1963

SEX: Male

SBI#: 00167506

DATE: 03/23/2005

CASE TYPE : <u>Detentioner</u>	SENTENCING DATE : <u>02/18/2005</u>
JUDGE/COURT : <u>Honorable WILLIAM L WITHAM J</u>	MAXIMUM EXPIRATION DATE : <u>02/07/2008</u>
<u>Kent County Superior Court</u>	PAROLE RELEASE DATE : <u>N/A</u>
FINE : <u>N/A</u>	IMPRISONMENT EFFECTIVE : <u>02/08/2005</u>
COSTS : <u>N/A</u>	PROBATION EFFECTIVE DATE :
VCF : <u>N/A</u>	IMPRISONMENT IMPOSED : <u>4 Yr(s)</u>
RESTITUTION : <u>N/A</u>	IMPRISONMENT SUSPENDED : <u>4 Yr(s)</u>
DRUG EDUCATION FUND: <u>N/A</u>	PROBATION IMPOSED : <u>N/A</u>

CHARGE(S): 0303007243-VK0303103701 - Viol O/Probato

SPECIAL CONDITIONS:

CONDITION COMMENTS:

ADDRESS : 344 W-WING DR, DOVER DE- 19901

EMPLOYMENT: N/A

SERVICE REQUESTED: YES TYPE: Summons

Submitted by:

Williams, Doreen M
(Probation/Parole Officer)

IN RE : Ross, James E J

SBI # : 00167506

DATE : 03/23/2005

CHARGE(S): 0303007243-VK0303103791 - Viol O/Probation

EXHIBIT B

It has been alleged that the following conditions of supervision have been violated:

VC3 You Must Abide By All The Rules And Regulations Of The County Community Correction Center And/Or The Residential Treatment Program As Described In The Orientation Manual.

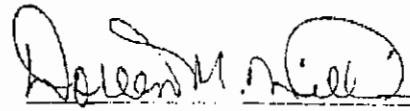
On 3/22/05, Offender James Ross was instructed to stand for the 1100 hrs.headcount before chow began. He refused several orders to get off his bed and stand. He then fought with Officers that attempted to get him off his bed, causing injury to at least two officers.

This is deemed as Disorderly/Assaultive behavior that goes directly against the rules of this facility.

This report has been reviewed and approved by
Records, Mike on 03/24/2005.

Approved

Records, Mike
Supervisor


Williams, Doreen M
Probation/Parole officer

IN RE : Ross, James E J

SBI # : 00167506

DATE : 03/23/2005

CHARGE(S): 0303007243-VK0303103701 - Viol O/Probation

HISTORY OF SUPERVISION / VIOLATION SUMMARY

Your Honor, Mr. Ross was before the court on 2/18/05 for a Violation of probation hearing. He was found in violation on the instant offense of Attempted PWITD NSII (F). He was sentenced to 4 years level 5 suspended for 1 year at level 4 Work Release. Hold at level 5.

Mr. Ross arrived at CVOP on 3/2/05 to await placement at level 4 Work Release.

On 3/22/05, Mr. Ross was instructed to stand for the 1100 hrs. headcount before chow began. He refused several orders to get off his bed and stand. Back-up was called and he then fought with Officers that attempted to get him off his bed, causing injury to at least two officers. Cap-Stun was used in an attempt to regain control of the situation, but it seemed to have no adverse effect on Mr. Ross. Eventually, Mr. Ross was escorted to a holding cell.

Members of the Department's CERT Team were called to transport Mr. Ross to DCC for security reasons and to await a VOP hearing.

Mr. Ross has a very extensive criminal history that consists of 58 arrests for 119 charges. Of the 101 criminal charges, the more serious ones include: Resisting Arrest(1/05; 3/01; 4/85); Poss. of Drug Para.(3/01); Poss. of a Narc. SCH II CS (7/99); Conspiracy 2nd(6/98); Assault 2nd (6/98); Assault 3rd(3/97); Robbery 2nd (12/92); Offensive Touching (9/88; 1/87); Shoplifting (3/92, 7/89, 10/88, 12/87, 1/87, 10/84)

Mr. Ross has been classified as a Career Criminal Candidate. There are also 6 different VOP's on file, which may imply that there is an issue of authoritative problems.

There is a balance of \$1,871.00 on this case which is included in the total owed to SCKC of \$5,743.80

There is also a balance of \$448.00 owed to CCPKC and \$75.00 to JP# 7.

RECOMMENDATION

If found in Violation, it is recommended that the sentence be revoked and he be sentenced to serve a term 4 years Level 5 suspended after 1 year for 3 years at Level 4 Work Release, suspended after 1 year for 18 months Level 3 probation.

This report has been reviewed and approved by
Records, Mike on 03/24/2005.

Supervisor:

Records, Mike

Officer:

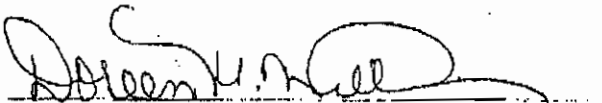
Williams, Doreen M

SERVICE REQUESTIN THE Kent County Superior Court COURT OF THE STATE OF DELAWAREOFFENDER: ROSS, JAMES E JSBI#: 00167506CHARGE(S): 0303007243-VK0303103701 - Viol O/ProbationIt is alleged that Ross, James E J has violated the following conditions of supervision :☒ VC3 You Must Abide By All The Rules And Regulations Of The County Community Correction Center And/Or The Residential Treatment Program As Described In The Orientation Manual.

Identifying information is attached as Exhibit A. The facts of the alleged Violation are attached as Exhibit B

Service Requested: YES Type: SummonsAddress: DCC Delaware Correctional Center, Smyrna Landing Road, SMYRNA, DE-19977

Bail Amount:

Type: NO BAIL

 Williams, Doreen M 03/24/2005
 Probation/Parole officer

SO ORDERED

Honorable WILLIAM L WITHAM J

03/24/2005

Capias return: _____ (Forthwith or specified time)

Bail Amount: _____ Secured _____ Cash only _____ Unsecured _____

Original: ProthonotaryCopy : Probation/Parole Officer

EXHIBIT A

The following information is furnished with respect to the subject for whom a capias or warrant is requested.

NAME: <u>ROSS, JAMES E J</u>		SBI#: <u>00167506</u>	
OFFENSES: <u>Viol O/Probate (M)</u>			
CAUTION CODE: <u>NO</u>		Reasons if YES: <u>N/A</u>	
RACE: <u>BLACK</u>	SEX: <u>Male</u>	HEIGHT: <u>5'09"</u>	WEIGHT: <u>165 LBS</u>
EYES: <u>Unknown</u>	HAIR: <u>Unknown</u>	SKIN :	
FBI :	SOC :	FPC : <u>N/A</u>	DOB : <u>1/1963</u>
ADDRESS : <u>344 W-Wing Dr Dover DE 19901</u>			
OLN : <u>0069907</u>	OLS : <u>DE</u>	VYR :	
VMS : <u>N/A</u>	OLY :	VMO : <u>N/A</u>	
SMT: <u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	<u>Scar Arm, Right</u>	
<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	<u>Scar Chest</u>	
<u>Scar Thigh, Right</u>	<u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	
<u>Scar Arm, Right</u>	<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	
<u>Scar Chest</u>	<u>Scar Thigh, Right</u>	<u>Scar Eyebrow, Right Area</u>	
<u>Scar Back</u>	<u>Scar Arm, Right</u>	<u>Scar Head</u>	
<u>Scar Eyebrow, Left Area</u>	<u>Scar Chest</u>	<u>Scar Thigh, Right</u>	
<u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	<u>Scar Arm, Right</u>	
<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	<u>Scar Chest</u>	
<u>Scar Thigh, Right</u>	<u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	
<u>Scar Arm, Right</u>	<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	
<u>Scar Chest</u>	<u>Scar Thigh, Right</u>		

ALIAS INFORMATION

NAME: Ross, James E J (Alias)
Ross, Jerome (Alias)

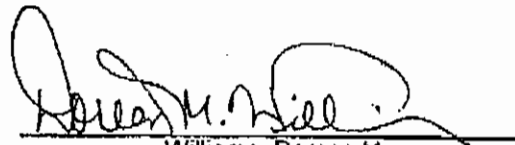
Rossbey, James E (Alias)
Ross, James E (Alias)

DOB : 1/1963 1/1967

SQC :

If additional information is needed for apprehension of this probationer/parolee,
 Please contact the undersigned officer at :

Probation/Parole Office
 CVOP Central Violation of Probation Center
 875 Symma Landing Road
 SMYRNA DE, 19977
 Phone#: 302-659-6100


 Williams, Doreen M
 Probation/Parole Officer
 Bureau of Community Corrections

Adult Complaint and Warrant
In the Justice of the Peace Court
In and for the
State of Delaware

State of Delaware vs. **JAMES E ROSS**

I, LT. BRAMBLE (20000) of CVOP CENTRAL VIOLATION OF PROBATION CTR, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in **New Castle** county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of **3** charges, and to be further dealt with as the law directs.

X

Sworn to and subscribed to before me this 26th day of March AD, 2005.

Affiant

Judge/Commissioner/Court Official

(To be completed by the Judge/Commissioner/Court Official)

- A. ☐ The crime was committed by a child.
B. ☐ A misdemeanor was committed against a child.
C. ☐ A misdemeanor was committed by one family member against another family member.
D. ☐ Other: Explain

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of **3** charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take **JAMES E ROSS** accused, and bring same before

Justice of the Peace Court 11, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 26th day of March AD, 2005.

Judge/Commissioner/Court Official

State of Delaware vs. JAMES E ROSS Case: 05 03 018674

Exhibit A

Charge Sequence: 1 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: Assault in a Detention Facility-Injury to Another In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD HOUSING POD
6
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW CASTLE, State of Delaware,
did being a person confined in a detention facility cause physical injury to DONALD J KUNEMAN.

Charge Sequence: 2 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: Assault in a Detention Facility-Injury to Another In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD HOUSING POD
6
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW CASTLE, State of Delaware,
did being a person confined in a detention facility cause physical injury to ARMOND DIVIRGILIS.

Charge Sequence: 3 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: Assault in a Detention Facility-Injury to Another In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD HOUSING POD
6
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW CASTLE, State of Delaware,
did being a person confined in a detention facility cause physical injury to ROBERT L MAY.

State of Delaware vs. JAMES E ROSS Case: 05 03 018674

Exhibit B

SBI Number: 00167506

Also Known As:

Date of Birth/Age: , 1963 /41

Sex: Male

Race: Black

Eye Color: Brown

Hair Color: Black

Height: 5'9"

Weight: 165 lbs

Driver's License: DE - 0069907

Social Security Number: :

Address: 875 Smyrna Landing RD
Central Violation of Probation
Smyrna, DE 19977

Next of Kin, Address, Employer
SHIRLEY S WEEKS
41 FORREST CRK
DOVER, DE 199040000
(302) 734-8873

Phone:

Employer:

Date and Times of Offense: 03/22/2005 at 1113

Location of Offense: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD
HOUSING POD 6

Your affiant LT. BRAMBLE can truly state that: 1.) I am a Lieutenant with the Delaware Department of Correction at the Central Violation of Probation Unit and have been employed by the Department of Correction for 17 years and 2 months. 2.) On 03/02/2005, Offender James Ross (DOB 09/14/1963 SBI#00167506) was housed on pod 6 at the Central Violation of Probation Unit at 875 Smyrna Landing Road, Smyrna, DE. 3.) On this date at approximately 1100 hrs., Offender James Ross became non-compliant with Central Violation of Probation Unit housing rules by refusing to stand up for count. 4.) Offender James Ross remained laying on his bed while the 1100 hrs headcount was being conducted and was issued a program violation for his actions. 5.) At approximately 1113 hrs., Offender James Ross again became non-compliant with Central Violation of Probation Unit housing rules by refusing to go to the chow hall with the rest of pod 6. 6.) Back up was called for by Correctional Officer Stephen Wagner and the following Officers responded, Staff Lieutenant Robert May, Lieutenant Donald Kuneman, and Sergeant Armond Divirgilis. Offender James Ross was given verbal orders to comply with housing rules and when he refused was ordered to go to a holding cell. Offender James Ross ceased being a passive resistor and became an active resistor by moving away from staff and assuming an aggressive posture toward staff. 7.) Offender James Ross was capstunned by Lieutenant Kuneman which had no effect on Offender Ross. Offender Ross then became combative with staff and refusing to comply with directives. While being combative with staff, Offender Ross was capstunned a second time and again without results. 8.) Offender Ross was taken to the ground in an attempt to subdue him. During the struggle, Offender Ross attempted to break the left middle and left ring fingers of Staff Lieutenant Robert May. 9.) The following Officers sustained injuries during the struggle to subdue and handcuff Offender James Ross. Staff Lieutenant Robert May received injuries to both the left ring and middle fingers, abrasions to the left hand and to both wrists. Lieutenant Donald Kuneman received abrasions to the right arm. Sergeant Armond Divirgilis received abrasions and a contusion to the left cheek, bruising behind the left eye, and chemical burns as a result of the OC (capstun) spray.

Affiant: LT. BRAMBLE (20000) of CVOP CENTRAL VIOLATION OF PROBATION CTR

Victims:

Date of Birth

Relationship Victim to Defendant

ROBERT L MAY

Otherwise Known

ARMOND DIVIRGILIS

Otherwise Known

DONALD J KUNEMAN

Otherwise Known

Affiant

Sworn and subscribed before me this 26th day of March AD, 2005

Judge/Commissioner/Court Official

State of Delaware vs. JAMES E ROSS Case: 05 03 018674

Affiant

Sworn and subscribed before me this 26th day of March AD, 2005

Judge/Commissioner/Court Official

my case All my Assault

Oct 4. 2005

CASE# 5097013822 Date 7-26-97

CASE# 5097013837

Same CASE Different #

case# 5097013822

CASE# 5096022830

CASE# 5096022829

CASE# 5096013303 Assault THIRD DISP= GUILTY
DISP= 03/06/97

you have :

felony^D 1.) first degree assault = reduced to 2nd degree -
- (509 701 3822 / 6-29-98

2.) third degree assault = guilty with "no" cond-
misdemeanor^D cion, you may want to ask your lawyer
about this charge - (509 601 3303 / 3/6/97

felony 3.) Conspiracy 2nd degree: - I don't see any
where that you have been found guilty of a
conspiracy, and it has the same date as 6-29-98

felony 4.) Robbery 2nd degree.

THIS IS THE CHARGE RECORD OF:
JAMES E ROSS

J

DOB

/1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
DOVER PD { DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 ASSAULT FIRST DEGREE INTENTIONAL RECKLESS SERIOUS INJURY DURING COMMISSION FEL	VIOL O/PROBATN DISP=VF DISP=07/25/03 REDUCED TO: ASSAULT 2ND DISP=PGLI DISP=06/29/98 SENT=06/29/98 CONF:3Y SUSP AFT:1Y CONCURRENT VIOL O/PROBATN DISP=VF DISP=04/30/99 SENT=04/30/99 CONF:3Y SUSP AFT:2Y CREDIT DAYS: 30 CONCURRENT
DOVER PD { DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 OFFENSIVE TOUCHING	DISP=NOLP29 DISP=06/29/98
DOVER PD { DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 BURGLARY SECOND DEGREE DWELLING	DISP=NOLP29 DISP=06/29/98
DOVER PD { DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 CRIMINAL MISCHIEF UNDER \$1000 DAMAGE PROPERTY	DISP=NOLP29 DISP=06/29/98
DOVER PD { DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 BURGLARY SECOND DEGREE DWELLING	DISP=NOLP29 DISP=06/29/98
DOVER PD { DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 BURGLARY SECOND DEGREE	DISP=NOLP29 DISP=06/29/98

THIS IS THE CHARGE RECORD OF:

JAMES

E ROSS

J

DOB

/1963 SBI # 00167506

Arr. Agcy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	DWELLING 5097013822 ASSAULT FIRST DEGREE INTENTIONAL SERIOUS INJURY WEAPON DANGEROUS INSTRUMENT	DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 CONSPIRACY SECOND DEGREE AGREEMENT TO ENGAGE	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 ASSAULT SECOND DEGREE RECKLESSLY OR INTENTIONALLY CAUSES PHYS INJ WEAPON	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 OFFENSIVE TOUCHING	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 BURGLARY SECOND DEGREE DWELLING	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER	JAMES E ROSS J ATTORNEY: VELLA	07/26/97 07/26/97	5097013822 CRIMINAL	DISP=BOPC DISP=08/08/97

AG Office DELJIS Charge Summary -- Priors -- Page

7

THIS IS THE CHARGE RECORD OF:

JAMES

E ROSS

J

DOB

/1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
KC97000789	ANDREW JOHN		MISCHIEF UNDER \$1000 DAMAGE PROPERTY	DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 CRIMINAL TRESPASS SECOND DEGREE	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DEPT. OF JUSTICE KENT DOVER KC97000132	JAMES E ROSS J ATTORNEY: WELCH STEPHEN R JR	02/11/97 11/13/96	5096022830 DELIVERY OF A NARCOTIC SCHEDULE II CONTROLLED SUBSTANCE	DISP=NOLP27 DISP=07/17/97
DEPT. OF JUSTICE KENT DOVER KC97000132	JAMES E ROSS J ATTORNEY: WELCH STEPHEN R JR	02/11/97 11/13/96	5096022829 DELIVERY OF A NARCOTIC SCHEDULE II CONTROLLED SUBSTANCE	DISP=NOLP27 DISP=07/17/97
DOVER PD DOVER	JAMES E ROSS J ATTORNEY: NONE	07/29/96 07/29/96	5096013303 ASSAULT THIRD DEGREE INTENTIONALLY RECKLESSLY CAUSE PHYSICAL INJURY	DISP=GLTY DISP=03/06/97
DOVER PD DOVER KC92000702	JAMES E ROSS J ATTORNEY: APOSTOLIC JAMES V	07/15/92 06/06/92	5092011195 CONSPIRACY SECOND DEGREE AGREEMENT TO ENGAGE	DISP=NOLP02 DISP=09/01/92
DOVER PD DOVER KC92000702	JAMES E ROSS J ATTORNEY: APOSTOLIC JAMES V	07/15/92 06/06/92	5092011195 DELIVERY OF A NARCOTIC SCHEDULE II CONTROLLED	DISP=NOLP02 DISP=09/01/92

AG Office DELJIS Charge Summary -- Priors -- Page 10

THIS IS THE CHARGE RECORD OF:
JAMES E ROSS

J

DOB /1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
			PROBATION	SENT=06/02/94 CONCURRENT
Wilmington P Wilmington	JAMES E ROSS J ATTORNEY: NONE	08/15/89	3089052077 CONSPIRACY SECOND DEGREE	DISP=NOLP29* DISP=07/27/90
Wilmington P Wilmington	JAMES E ROSS J ATTORNEY: NONE	08/15/89	3089052077 ROBBERY SECOND DEGREE	DISP=GLTY DISP=12/01/92 SENT=07/27/90 PC/REST/EVAL SUB ABUS/DIR COUNSLNG, TEST/TREAT/ASSG N JOB TRAIN/NO DRUGS/ALCHL/OBT N GED/DRUG TESTING
DOVER PD DOVER	JAMES E ROSS J ATTORNEY: NONE	04/19/89 04/19/89	5089004919 SHOPLIFTING UNDER \$500	DISP=PG DISP=07/06/89 SENT=07/06/89 CONF:1Y IMP. BEGINS 7/06/89. CREDIT FOR TWO DAYS.
TROOP 3 STAT POLICE WOODSIDE	JAMES E ROSS J ATTORNEY: NONE	04/16/89 04/16/89	SPD77795 50MPH ON 2 LANE ROADWAYS	DISP=GLTY DISP=05/31/89 SENT=05/31/89 FINE:\$49.00 VCF:\$7.35 CC:\$15.00 SUSP:\$15.00
TROOP 3 STAT POLICE WOODSIDE	JAMES E ROSS J ATTORNEY: NONE	04/16/89 04/16/89	SPD77796 DRIVE WHILE LICENSE HAS EXPIRED	DISP=GLTY DISP=05/31/89 SENT=05/31/89 FINE:\$25.00 SUSP:\$25.00 VCF:\$3.75 CC:\$15.00 SUSP:\$15.00
DOVER PD	JAMES E ROSS J	02/28/89	DV92255	DISP=NOLP29



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

BRIAN J. BARTLEY
ASSISTANT PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

TELEPHONE
(302) 577-5135

June 21, 2005

Richard J. Zemble
Deputy Attorney General
Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, DE 19801

RE: State of Delaware v. James E. Ross
ID No. 0503018674

Dear Mr. Zemble:

Please provide me with a copy of any and all medical records for any treatment provided to any of the three victims for injuries allegedly caused by the Defendant in the indicted assaults.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Bartley", written over a horizontal line.

Brian J. Bartley
Assistant Public Defender

BJB/ef
Cc: Mr. James E. Ross

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

JAMES E ROSS,
DEFENDANT

:
:
:
:

ID NO. 0503018674

ORDER SCHEDULING TRIAL

IT IS HEREBY ORDERED THIS 20TH DAY OF JUNE, 2005, THAT:

- 1) TRIAL IS SCHEDULED FOR Tuesday, 10/18/2005.
NO CONTINUANCE WILL BE GRANTED ABSENT EXCEPTIONAL
CIRCUMSTANCES. COUNSEL AND DEFENDANT MUST ATTEND THE
CALENDAR CALL ON THE DAY OF TRIAL AT 9:00 A.M. UNLESS
PREVIOUSLY EXCUSED BY THE CRIMINAL ASSIGNMENT JUDGE.
- 2) THIS MATTER IS A CATEGORY #2 CASE. COPIES OF ANY
MOTIONS AND/OR CORRESPONDENCE REGARDING THIS CASE
SHALL BE DIRECTED TO THE CRIMINAL ASSIGNMENT JUDGE.
- 3) COUNSEL MUST IMMEDIATELY TAKE ALL STEPS TO NOTIFY
WITNESSES AND DEFENDANT OF THE TRIAL DATE.. THERE
WILL BE NO FURTHER SPECIAL NOTIFICATION FROM THE COURT
UNLESS THE COURT (ATTN: ELIZABETH BRENHOC) IS ADVISED IN
WRITING WITHIN TWO WEEKS OF THE DATE OF THIS ORDER OF
THE UNAVAILABILITY OF WITNESSES OR ANY OTHER VALID
PROBLEMS, THE ABOVE TRIAL DATE WILL REMAIN FIRM.
- 4) COUNSEL SHALL ATTEND THE TRIAL CALENDAR CALL AT 9:15
A.M. ON THE THURSDAY BEFORE THE TRIAL DATE UNLESS
EXCUSED BY THE CRIMINAL ASSIGNMENT JUDGE.


JUDGE CALVIN L. SCOTT

OC: PROTHONOTARY

CC: RICHARD J ZEMBLE , DEPUTY ATTORNEY GENERAL
BRIAN J BARTLEY , ESQ.

Discovery order by 9/15/04, including
medical records

In the Superior Court of the State of Delaware
In and For New Castle County

State of Delaware
V.

Case No. 6503018674

James E. Ross Jr.

Certificate of Service

I certify that I have caused that on this
day of ~~May~~ ^{May} 10 - 2005 to copy of the attached
Notice Rule (16b) For Review to be served
upon the following address indicated by
United States Mail, Postage pre paid on:

Attorney General's office
Department of Justice
Carvel state office Building
820 N French Street
Wilmington, De 19801

IN the Superior Court of the State of Delaware
IN AND FOR New Castle County

~~James E. Ross Jr~~

V
State of Delaware

Case 05C3018674
03C3007243

Notice Rule 35 Correction of Illegal Sentence
here IN For the reduction of Sentence.

To Attorney General's Office
Department of Justice
CARVEL State Office Building
820 N French Street
Wilmington, De 19801

VOID
FILED
NOTARIAL
DEC 16 AM 10:24
(100)
(51)

Please Take Notice that the Attached
Motion to Correct Sentence will be
Presented to the Court at the Court's
Convenience.

Brian Barry
Assistant Public Defender

James E. Ross Jr

Date 12-9-05

The Following documents OR Attach.

Exhibit 1

In the Superior Court of the State of Delaware,
In and For _____ County.

James E. Ross Jr

V

State of Delaware

CASE 0503018674

Notice of rule 35 Correction of Illegal Sentence
herein for the reduction of sentence.

To Attorney General's Office
Department of Justice
111 Water Street
Dover, DE 19904

Please Take Notice that the attached Notice
to Correct Sentence will be presented to the
Court at the Court's Convenience.

Assistant Public Defender
James E. Ross Jr

Date 12- - 2005

The Following document or attach.

Exhibit

①

IN the SUPERIOR COURT of the State of Delaware
IN AND FOR _____ County.

James E. Ross Jr.

0303007243

V.

CASE VK 0303.103701

State of Delaware

Viol. of Probation

Rule 35. CORRECTION OF Illegal Sentence.
herein for the reduction of sentence.

Dear Counsel:

A. Pursuant to Superior Rule 35.
CORRECTION OR Reduction of Sentence. ON
NOV. 1, 2005, I defendant James Ross Jr. was
before Judge MARY Johnston, found defendant
IN Violation, and was sentence Nov 1, 2005,

B. SEE STATUS Sheet EXHIBIT A, as to VNCB-63-11
VOP = PWITD SENTENCED to 4 years Level-5.
Suspended FOR 1-year Level 4 Home CONFINEMENT.

C. The Report was not present at the hearing.
The Report Ms. Williams, wrote the report.
But wasn't there at 11:00 hrs, the grounds on
with the Violation stands, Failure to stand
For Court, because of Illness Medical Issue.

D. Medical Issue such as standing For Court
OR excuse by Unit OFFICER, OFFICER WAGNER

②

D OFFICER Wagner. Stephen Wagner, He was to Issued a program violation. For Failure to stand For Court. OFFICER Stephen WAGNER OR Reporter Mrs William didn't Appear For Nov 1, 2005 Violation hearing.

E I defendant was never Issue A write-up For failure to stand For Court, witch is A rule Violation, Not A program Violation I was only awaiting space For WORK Release program, was my last Sentence ORDER, Violation of Probation 2-18-05 by Judge William L Witham/Kent County Superior Court. Original Judge. My Original Sentenceing Judge.

F Not my trial Judge Honorable Mary Johnston who deny defendant his right to Jurisdiction my trial was held I Jurisdiction New Castle County witch Defendant was Found to be INNOCENT of all Charges.

G Defendant Rights was Violated of the Constitution And laws of this State. that the Court Imposing such sentence was with out Jurisdiction to do so, or that such Sentence was IN excess of the maximum sentence authorized by law or is otherwise subject to collateral Attack, may file A motion at any tin

③

Which Imposed such Sentence to Vacate,
set aside, OR CORRECT the same.

H. The Judge was rendered with out Jurisdiction
or that the sentence Imposed was Illegal
or otherwise subject to collateral Attack, or
that there was such a denial or Infringement
of the Constitutional Rights of defendant
as to render the Judgement subject to collateral
Attack, the Court Shall Vacate and set
aside the Judgement and shall discharge the
defendant or re-sentence him or grant A new
trial or correct the Sentence as may appear
Appropriate.

The Court need not entertain a second
motion or ^{**} 773 successive motions for
smimilar relief on behalf of the same
Defendant.

Date 12- - 2005
James E Ross JR.

IN the SUPERIOR COURT of the State of Delaware
IN AND FOR _____ County.

James E. Ross Jr

V.

State of Delaware

#0503018674

CASE 0303007243

0303007243

Certificate of Service

I certify that I have caused that on this _____
day of Dec, 2005, two copies of the Attached
Notice of Motion for Correction of Sentence
to be served upon the Following address
Indicated, by United States Mail, postage
prepaid on:

Attorney General's Office ²⁰ Office of Public Defender
Department of Justice ²⁰ 511 Maple Park
102 W. Water Street Dover, De 19901
Dover, De 19904

~~Assistant Public Defender~~

James E. Ross Jr

Date _____

In the Superior Court of the State of Delaware
IN AND FOR _____ County

JAMES E ROSS JR

0503015674

CASE 0303007243

State of Delaware

Certificate of Service

I certify that I have caused that on this _____
day of Dec, 2005 two copies of the Attached
Notice of Motion For Correction of Sentence
to be served upon the following address
Indicated, by United States MAIL, postage
Prepaid on:

Attorney General's Office
Department of Justice
920 N French Street
Wilmington, Delaware
19801

Assistant Public Defender
James E Ross Jr

Date

In the Superior Court of the State of Delaware
IN AND FOR _____ County

James E. Ross Jr.

V
State of Delaware

Case # 0503018674
0303007243

ORDER

Having Heard AND considered the Defendant's
Motion For Correction of Sentence, IT
Is Here by ordered that this matter will
be set down for a hearing on _____
2005 at _____:a.m.

It is Ordered on this _____ day of _____
2005.

Judge

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

State of Delaware	:	Case No. 0303007243
	:	
	:	
James E. Ross, Jr.	:	

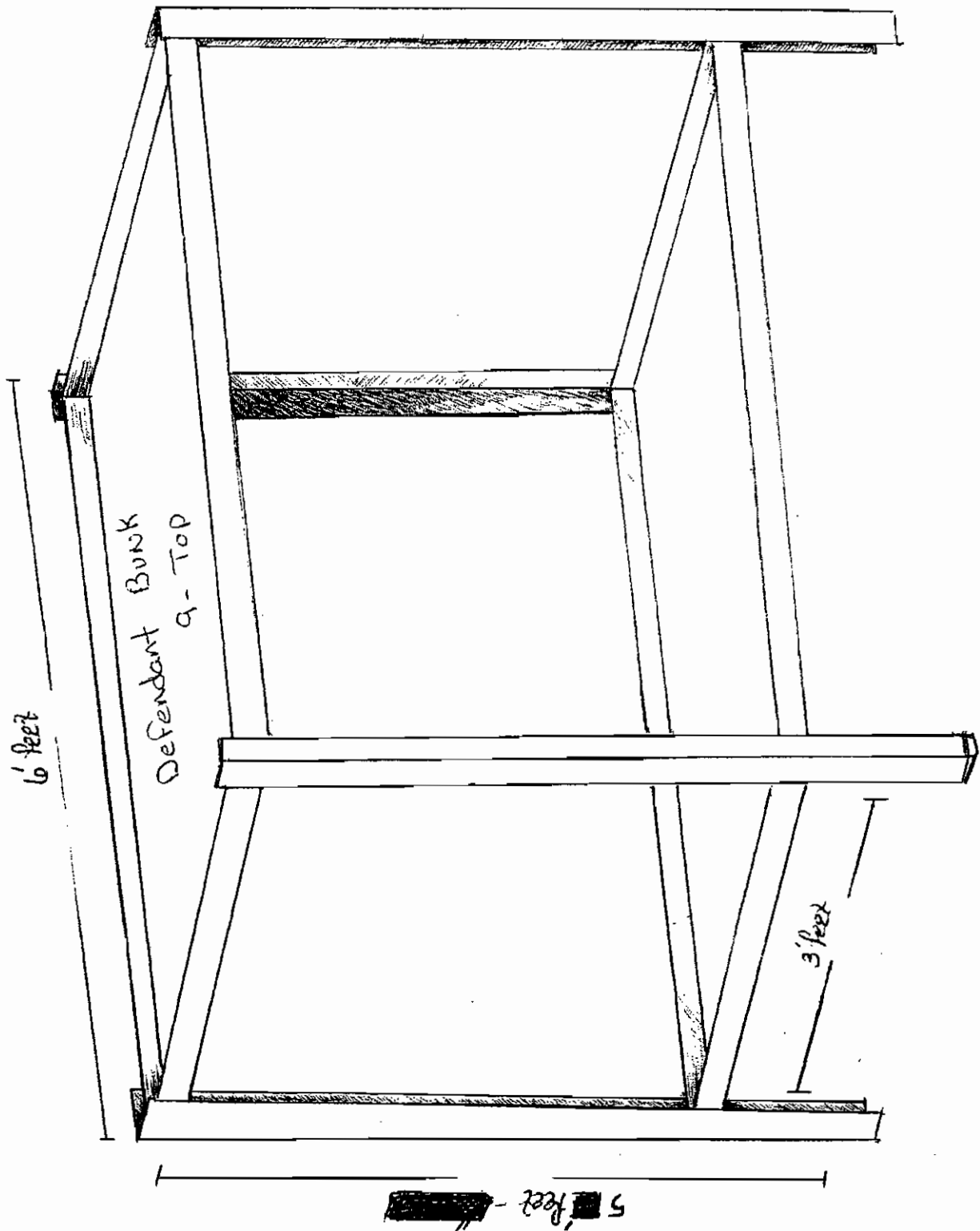
ORDER

HAVING HEARD and considered the Defendant's Motion for Review of Sentence, IT
IS HEREBY ordered that this matter will be set down for a hearing on _____, 2005 at
____:00 __.m.

IT IS ORDERED on this ____ day of _____, 2005.

JUDGE

Exhibit 15



IN the Superior Court of the State of Delaware
IN and FOR New Castle County

JAMES E ROSS JR.

CASE # CS03C18674

State of Delaware

Affidavit

ON 3-22-05 I had at that date, only been IN
the Facility for three week 3-2-05 until 3-22-05.

AT Breakfast I eat AND RETURN to my Pod.

I began feeling sick from that MOURNINGS Breakfast
so I feelled out a sick call slip.

I was later told by the Nurse.

I wouldn't see the Doctor.

For several Days.

She told me to lie down.

And wait to see IF what I eat Pass through me.

I Then Followed the Nurse INSTRUCTIONS.

At 11:00 A.M I was lying on my Bunk.

Which IS Place near the back of the Pod.

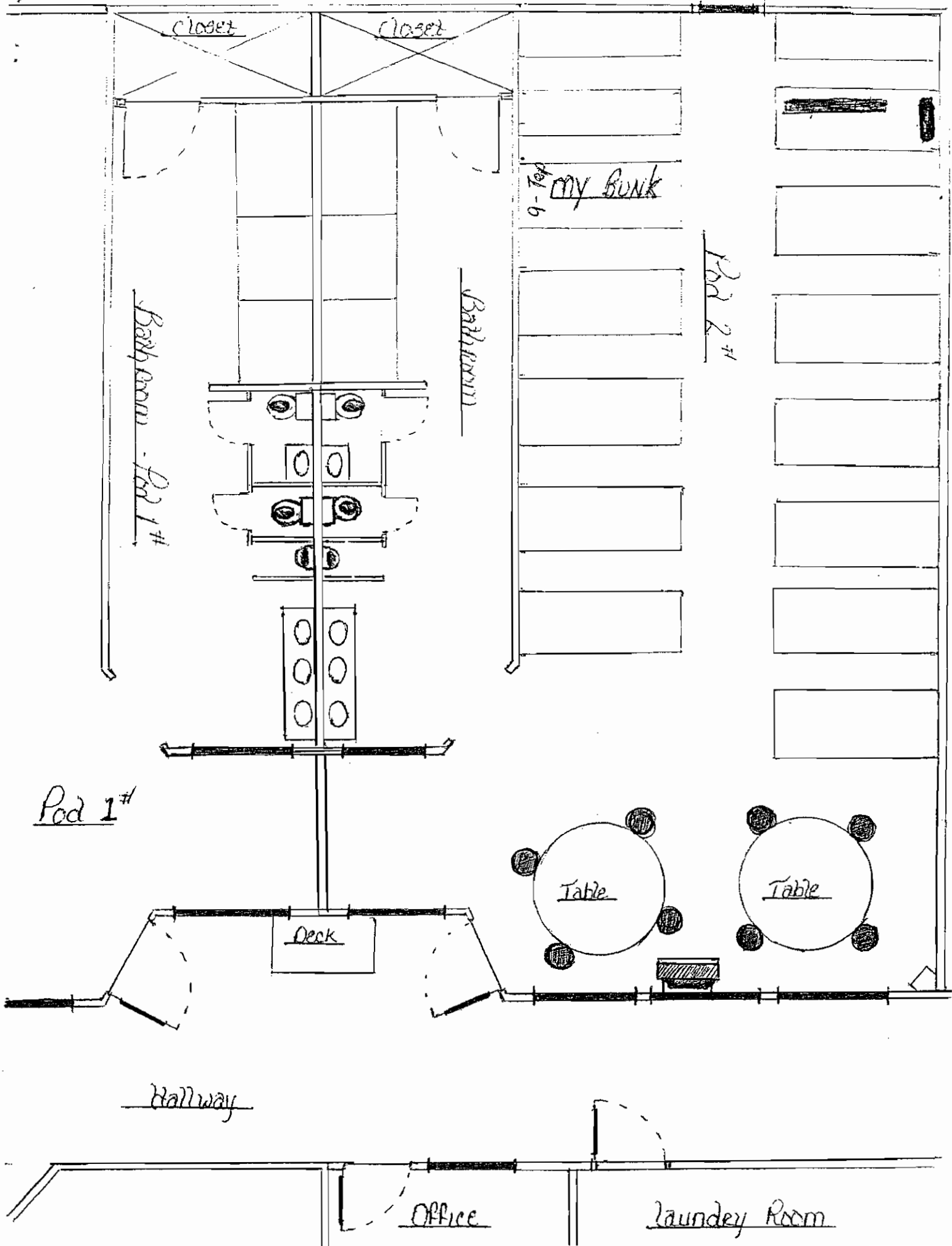
Whew the Pod OFFICER came around for Count.

The rules Require.

that everyone stand IN front of the Bunks.

I was told by the Nurse to lye down.

Medical Issues Allways over ride houseing rules
such as standing for Count.



At 11:13 a.m. chow was called.
For my housing Unit.
I was still lying down.
OFFICER saw me still lying down.
He came over to me.
Told me to get up and go to chow.
I then explain to OFFICER Wagner
That I'm feeling very ill
AND I do not wish to go to chow.
OFFICER called for assistance.
three OFFICERS enter the Pod.
OFFICER Staff Lt Robert May.
Lt Kuneman.
AND Sergeant Amond Divirgil's.
I tried to set-up and explain.
Lt May and Sergeant Amond.
came on the side of my Bunk I was face-ing
AND ask, what's the problem.
I sat-up in pain AND start explaining
Lt Donald Kuneman Cap-stun me.
From the foot of the Bunk, were he stood.
I was shock AND Afraid so I got down
Because IF Lt Robert May and Sergeant Amond
was to pull me, I would have seriously
been injured. The Bunk is 5 foot high.
3-foot apart.

I got down and heard the Officer Say Report to the hold Area.

I started hidding towards the door.

I walked About 33 feet.

And feel And Officer CRAB me.

And through his arm AROUND my Neck.

While the other Officer CRAB my ARM AND started handcuffing me.

Officer got one handcuff ON.

L-t Robert may crip began getting tighter.

I stoped walking AND said I was going to the holding AREA.

Officer L-t Robert MAY said Its not that easy. And started Chokeing me.

I tryed to turn but the choke hold was to tight me AND officer L-t MAY start falling to the Floor

L-t KUNEMAN Sprayed me DiARrectly IN my Face.

I put my Face to the Floor.

L-t Robert may hands were AROUND my Neck.

And one trapped under my Bobby.

Counselor Mrs Williams Enter the Pod.

I could faintly see her.

I held my hands out to her with the one hand cuff attached.

She began to Pull my arm.

trying to pull me out.

She dragged me across L-t Robert left hand that was trapped Under my Body.

It was too know Avail.

I started to pass out lose CONSCIOUSNESS.

Counselor Mrs Williams lift my arm I Fall to the Floor.

Counselor Mrs Williams again lift my arm I Fall to the Floor.

I could faintly see another Officer enter the Pod.

Officer Flint.

L-t Robert May look at him AND release his Choke hold.

I was then able to get my hands behind me.

Officer Flint got down handcuff my other ARM. Pick me up off the Floor.

Start taking me off the Pod.

Officer L-t Korman tried to assisted him.

Officer took me to the holding Cell.

I have know Ideal how L-t Korman got hurt.

Dear Mr. Barclay,

CR. R. NO., 0503018674

- I'm writing to you in regards to the witnesses I would request you summon to court, et suprema the
- 1.) Doreen Williams, a probation officer who works with in the Central Violation of Probation Center.

Mrs. Williams, exhibit proves proof that I've been charged with to many counts of Assault, as shown on pages 3 of 5 and 2 of 5, of the Violation Report #22667

In the report, the officer Williams, states: officers that attempted to get him off his dred, causing injuries to at least two officers. -
- (And I was clearly charged with three). -

- 2.) Officer Flint, a Correctional officer with in the Central Violation of Probation Center, located at 875 Smyrna Landing Rd, Smyrna, Del 19971.
Both officers where eye-witnesses to the account

Date; _____

Truely yours!
x James E. Ross Jr
5.82# 00167506

C.C.

10431

CVOP Central Violation of Probation Center
875 Symma Landing Road
SMYRNA, DE 19877
Phone No. 302-859-8100

ADMINISTRATIVE WARRANT - Standard

Warrant Date: 03/22/2005

RE: Ross, James E J

SBI#: 00167506

R/S: B / M DOB: 1/1963

Judge/Court: The Honorable WILLIAM L WITHAM / Kent County Superior Court

Charge(s) : 0303007243 - VK0303103701 - VIOL O/PROBATN

The above named offender is under Level IV supervision by the Department of Correction and is alleged to be in violation of their conditions of supervision.

I, **Records, Mike**, a Probation/Parole Officer of the Department of Correction, do hereby deputize any Sheriff, Constable, or Peace Officer of the State of Delaware to arrest and detain:

Ross, James E J, pursuant to 11 Del. Code, 4334(b) and/or 4352(a).

Warrant Comments: The offender was at CVOP since 3/2/05 awaiting placement at a Work Release bed. The sentence effective date was 3/2/05.

In addition to the admin warrant, new charges are being considered on this offender at this time.

IT IS ALLEGED THAT THE FOLLOWING CONDITION(S) OF SUPERVISION HAS (HAVE) BEEN VIOLATED:

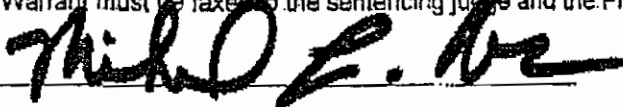
Condition # : VC3 You Must Abide By All The Rules And Regulations Of The County Community Correction Center And/Or The Residential Treatment Program As Described In The Orientation Manual.

On 3/22/05, this offender was to stand for the 1100 headcount before chow began. He refused several orders to get off his bed and stand. He then fought with officers that attempted to get him off his bed, causing injury to at least two officers. This is disorderly/assaultive behavior that goes against the rules of this facility.

A VOP HAS BEEN SUBMITTED REQUESTING A CAPIAS BE ISSUED. (Circle One) YES NO

Administrative Warrant must be faxed to the sentencing judge and the Pre-Sentence office upon arrest.

SIGNED:



Records, Mike

DATE:

3/22/05

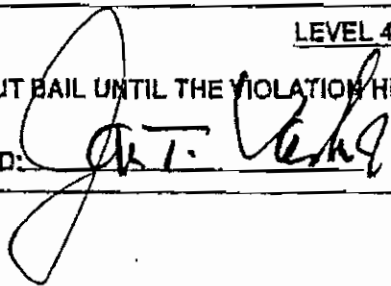
LEVEL 4

BAIL AUTHORIZATION

HOLD WITHOUT BAIL UNTIL THE VIOLATION HEARING ON:

April 8, 2005 @ 9 AM

SO ORDERED:



DATE:

3-24-2005

RECEIVED AND
FILED
PROBATIONARY
OFFICE
APR 24 10 52 AM
2005

OC: PROTHONOTARY
XC: PROBATION & PAROLE-FAX
DOC-FAX

28
aa

03/29/2005 11:48

CENTRAL V C P 659 6603 → 97356717

NO. 873

C02

Report #

22771

Date: 03/29/2005



CVOP Central Violation of Probation Center

875 Symrna Landing Road

SMYRNA DE, 19977

Phone#: 302-659-6100

EXHIBIT B

IN RE: Ross, James E J

SBI #: 00167506

DATE: 03/29/2005

Case/Charge(S): 0303007243 - (K03031037 - ATT> PWITD

NATURE AND CIRCUMSTANCES OF VIOLATION

It has been alleged that the following conditions of supervision have been violated :

- [X] VC1 You Shall Not Commit And/Or Be Convicted Of Any Criminal Offense During The Supervision Period.
This includes the charges of Escape After Conviction, Escape 3rd and Motor Vehicle offenses

Comments:

- VC1 On 3/22/05, Offender James Ross was instructed to stand for the 1100 hrs. headcount before chow was to begin. he refused several orders to get off his bed and stand. He then fought with Officers that attempted to get him off his bed, causing injury to at least two Officers.

This is deemed as Disorderly/Assaultive Behavior that goes directly against the rules of this facility.

*******ADDENDUM*******

On 3/26/05, Offender James Ross was arrested and charged with 3 counts of Assault in a Detention Facility- Injury to Another.
These charges are pending.

REFER TO VOP REPORT # 22667 FAXED TO SOCKC ON 3/24/05. A VOP HEARING IS SCHEDULED FOR 4/8/05 AT 9AM BEFORE JUDGE WILLIAM L. WITHAM.

Approved

Supervisor

RECEIVED
FILED
APR 1 2005
DEPT. OF CORRECTIONS
WILLIAMS, Doreen M
Probation/Parole officer

Report #
22567

Date: 03/24/2005



DEPARTMENT OF CORRECTION
BUREAU OF COMMUNITY CORRECTION
CVOP Central Violation of Probation Center
875 Symrna Landing Road
SMYRNA DE, 19977
Phone#: 302-659-6100

VIOLATION REPORT - LEVEL - IV
CASELOAD TYPE - 5 - Hold for Plummer

To : Honorable WILLIAM L WITHAM J
Kent County Superior Court

IN RE: ROSS, JAMES E J

RACE: Black

DOB : 1963

SEX: Male

SBI#: 00167506

DATE: 03/23/2005

CASE TYPE : Detentioner

SENTENCING DATE : 02/18/2005

JUDGE/COURT : Honorable WILLIAM L WITHAM J
Kent County Superior Court

MAXIMUM EXPIRATION DATE : 02/07/2006

FINE : N/A

PAROLE RELEASE DATE : N/A

COSTS : N/A

IMPRISONMENT EFFECTIVE : 02/08/2005

VCF : N/A

PROBATION EFFECTIVE DATE :

RESTITUTION : N/A

IMPRISONMENT IMPOSED : 4 Yr(s)

DRUG EDUCATION FUND: N/A

IMPRISONMENT SUSPENDED : 4 Yr(s)

PROBATION IMPOSED : N/A

CHARGE(S): 0303007243-VK0303103701 - Viol O/Probato

SPECIAL CONDITIONS:

CONDITION COMMENTS:

ADDRESS : 344 W-WING DR, DOVER DE- 19901

EMPLOYMENT: N/A

SERVICE REQUESTED: YES TYPE: Summons

Submitted by:

Williams, Doreen M
(Probation/Parole Officer)

IN RE : Ross, James E J

SBI # : 00167506

DATE : 03/23/2005

CHARGE(S): 0303007243-VK0303103701 - Viol O/Probation

EXHIBIT B

It has been alleged that the following conditions of supervision have been violated:

VC3 You Must Abide By All The Rules And Regulations Of The County Community Correction Center And/Or The Residential Treatment Program As Described In The Orientation Manual.

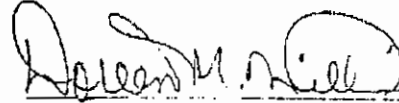
On 3/22/05, Offender James Ross was instructed to stand for the 1100 hrs.headcount before chow began. He refused several orders to get off his bed and stand. He then fought with Officers that attempted to get him off his bed, causing injury to at least two officers.

This is deemed as Disorderly/Assaultive behavior that goes directly against the rules of this facility.

This report has been reviewed and approved by
Records, Mike on 03/24/2005.

Approved

Records, Mike
Supervisor



Williams, Doreen M
Probation/Parole officer

IN RE : Ross, James E J

SBI # : 00167506

DATE : 03/23/2005

CHARGE(S): 0301007243-VK0303103701 - Viol O/Probate

HISTORY OF SUPERVISION / VIOLATION SUMMARY

Your Honor, Mr. Ross was before the court on 2/18/05 for a Violation of probation hearing. He was found in violation on the instant offense of Attempted PWITD NSII (F). He was sentenced to 4 years level 5 suspended for 1 year at level 4 Work Release. Hold at level 5.

Mr. Ross arrived at CVOP on 3/2/05 to await placement at level 4 Work Release.

On 3/22/05, Mr. Ross was instructed to stand for the 1100 hrs. headcount before chow began. He refused several orders to get off his bed and stand. Back-up was called and he then fought with Officers that attempted to get him off his bed, causing injury to at least two officers. Cap-Stun was used in an attempt to regain control of the situation, but it seemed to have no adverse affect on Mr. Ross. Eventually, Mr. Ross was escorted to a holding cell.

Members of the Department's CERT Team were called to transport Mr. Ross to DCC for security reasons and to await a VOP hearing.

Mr. Ross has a very extensive criminal history that consists of 58 arrests for 119 charges. Of the 101 criminal charges, the more serious ones include: Resisting Arrest(1/05; 3/01; 4/85;); Poss. of Drug Para.(3/01); Poss. of a Narc. SCH II CS (7/99); Conspiracy 2nd(6/98); Assault 2nd (6/98); Assault 3rd(3/97); Robbery 2nd (12/92); Offensive Touching (9/88; 1/87); Shoplifting (3/92, 7/89, 10/88, 12/87, 1/87, 10/84)

Mr. Ross has been classified as a Career Criminal Candidate. There are also 6 different VOP's on file, which may imply that there is an issue of authoritative problems.

There is a balance of \$1,871.00 on this case which is included in the total owed to SCKC of \$5,743.80

There is also a balance of \$448.00 owed to CCPKC and \$75.00 to JP# 7.

RECOMMENDATION

If found In Violation, it is recommended that the sentence be revoked and he be sentenced to serve a term 4 years Level 5 suspended after 1 year for 3 years at Level 4 Work Release, suspended after 1 year for 18 months Level 3 probation.

This report has been reviewed and approved by
Records, Mike on 03/24/2005.

Supervisor:

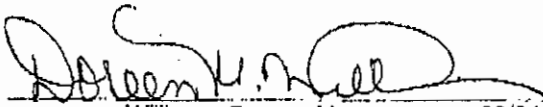
Records, Mike

Officer:

Williams, Doreen M

SERVICE REQUESTIN THE Kent County Superior Court COURT OF THE STATE OF DELAWAREOFFENDER: ROSS, JAMES E JSBI#: 00167506CHARGE(S): 0303007243-VK0303103701 - Viol O/ProbationIt is alleged that Ross, James E J has violated the following conditions of supervision :☒ VC3 You Must Abide By All The Rules And Regulations Of The County Community Correction Center And/Or The Residential Treatment Program As Described In The Orientation Manual.

Identifying information is attached as Exhibit A. The facts of the alleged Violation are attached as Exhibit B

Service Requested: YES Type: SummonsAddress: DCC Delaware Correctional Center, Smyrna Landing Road, SMYRNA, DE-19977Bail Amount: Type : NO BAIL

 Williams, Doreen M 03/24/2005

Probation/Parole officer

SO ORDERED

Honorable WILLIAM L WITHAM J 03/24/2005

Capias return: _____ (Forthwith or specified time)

Bail Amount: _____ Secured _____ Cash only _____ Unsecured _____

Original: ProthonotaryCopy : Probation/Parole Officer

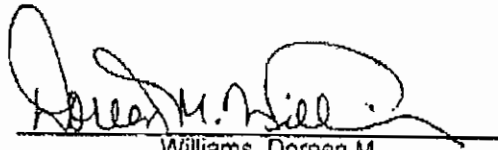
EXHIBIT A

The following information is furnished with respect to the subject for whom a capias or warrant is requested.

NAME: <u>ROSS, JAMES E J</u>		SBI#: <u>00167506</u>	
OFFENSES: <u>Viol O/Probation (M)</u>			
CAUTION CODE: <u>NO</u>		Reasons if YES: <u>N/A</u>	
RACE: <u>BLACK</u>	SEX: <u>Male</u>	HEIGHT: <u>5'09"</u>	WEIGHT: <u>165 LBS</u>
EYES: <u>Unknown</u>	HAIR: <u>Unknown</u>	SKIN :	
FBI :	SOC :	FPC : <u>N/A</u>	DOB : <u>1963</u>
ADDRESS : <u>344 W-Wing Dr Dover DE 19901</u>			
OLN : <u>0069907</u>	OLS : <u>DE</u>	VYR :	
VMS : <u>N/A</u>	OLY :	VMO : <u>N/A</u>	
SMT: <u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	<u>Scar Arm, Right</u>	
<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	<u>Scar Chest</u>	
<u>Scar Thigh, Right</u>	<u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	
<u>Scar Arm, Right</u>	<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	
<u>Scar Chest</u>	<u>Scar Thigh, Right</u>	<u>Scar Eyebrow, Right Area</u>	
<u>Scar Back</u>	<u>Scar Arm, Right</u>	<u>Scar Head</u>	
<u>Scar Eyebrow, Left Area</u>	<u>Scar Chest</u>	<u>Scar Thigh, Right</u>	
<u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	<u>Scar Arm, Right</u>	
<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	<u>Scar Chest</u>	
<u>Scar Thigh, Right</u>	<u>Scar Eyebrow, Right Area</u>	<u>Scar Back</u>	
<u>Scar Arm, Right</u>	<u>Scar Head</u>	<u>Scar Eyebrow, Left Area</u>	
<u>Scar Chest</u>	<u>Scar Thigh, Right</u>		
ALIAS INFORMATION			
NAME: <u>Ross, James E J (Alias)</u>		<u>Rossbey, James E (Alias)</u>	
<u>Ross, Jerome (Alias)</u>		<u>Ross, James E (Alias)</u>	
DOB : <u>1963</u>	<u>1/1967</u>		
SOC :			

If additional information is needed for apprehension of this probationer/parolee,
Please contact the undersigned officer at :

Probation/Parole Office
CVOP Central Violation of Probation Center
875 Symma Landing Road
SMYRNA DE, 19977
Phone#: 302-659-6100


Williams, Doreen M
Probation/Parole Officer
Bureau of Community Corrections

Adult Complaint and Warrant
In the Justice of the Peace Court
In and for the
State of Delaware

State of Delaware vs. **JAMES E ROSS**

I, LT. BRAMBLE (20000) of CVOP CENTRAL VIOLATION OF PROBATION CTR, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in **New Castle** county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of **3** charges, and to be further dealt with as the law directs.

X

Sworn to and subscribed to before me this 26th day of March AD, 2005.

Affiant

Judge/Commissioner/Court Official

(To be completed by the Judge/Commissioner/Court Official)

- A. _____ The crime was committed by a child.
B. _____ A misdemeanor was committed against a child.
C. _____ A misdemeanor was committed by one family member against another family member.
D. _____ Other: Explain

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of **3** charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take **JAMES E ROSS** accused, and bring same before

Justice of the Peace Court 11, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 26th day of March AD, 2005.

Judge/Commissioner/Court Official

Executed on _____ by _____

Case Number: **05 03 018674** Warrant Number: 68 05 000357

State of Delaware vs. JAMES E ROSS Case: 05 03 018674

Exhibit A

Charge Sequence: 1 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: Assault in a Detention Facility-Injury to Another In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD HOUSING POD
6
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW CASTLE, State of Delaware,
did being a person confined in a detention facility cause physical injury to DONALD J KUNEMAN.

Charge Sequence: 2 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: Assault in a Detention Facility-Injury to Another In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD HOUSING POD
6
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW CASTLE, State of Delaware,
did being a person confined in a detention facility cause physical injury to ARMOND DIVIRGILIS.

Charge Sequence: 3 Police Complaint Number: 68 05 000002 Arrest Number: _____
Charge: Assault in a Detention Facility-Injury to Another In Violation of 11 Del.C. § 1254 000A F D
Location: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD HOUSING POD
6
TO WIT: JAMES E ROSS, J, on or about the 22nd day of MARCH, 2005, in the County of NEW CASTLE, State of Delaware,
did being a person confined in a detention facility cause physical injury to ROBERT L MAY.

State of Delaware vs. JAMES E ROSS Case: 05 03 018674

Exhibit B

SBI Number: 00167506 Also Known As:
 Date of Birth/Age: 1963 /41 Sex: Male Race: Black
 Eye Color: Brown Hair Color: Black Height: 5'9" Weight: 165 lbs
 Driver's License: DE - 0069907 Social Security Number:

Address: 875 Smyrna Landing RD
 Central Violation of Probation
 Smyrna, DE 19977

Phone:

Employer:

Next of Kin, Address, Employer
 SHIRLEY S WEEKS
 41 FORREST CRK
 DOVER, DE 199040000
 (302) 734-8873

Date and Times of Offense: 03/22/2005 at 1113

Location of Offense: 875 Smyrna Landing RD Central Violation of Probation Unit, Smyrna 19977 1 S PADDOCK RD
 HOUSING POD 6

Your affiant LT. BRAMBLE can truly state that: 1.) I am a Lieutenant with the Delaware Department of Correction at the Central Violation of Probation Unit and have been employed by the Department of Correction for 17 years and 2 months. 2.) On 03/02/2005, Offender James Ross (DOB 09/14/1963 SBI#00167506) was housed on pod 6 at the Central Violation of Probation Unit at 875 Smyrna Landing Road, Smyrna, DE. 3.) On this date at approximately 1100 hrs., Offender James Ross became non-compliant with Central Violation of Probation Unit housing rules by refusing to stand up for count. 4.) Offender James Ross remained laying on his bed while the 1100 hrs headcount was being conducted and was issued a program violation for his actions. 5.) At approximately 1113 hrs., Offender James Ross again became non-compliant with Central Violation of Probation Unit housing rules by refusing to go to the chow hall with the rest of pod 6. 6.) Back up was called for by Correctional Officer Stephen Wagner and the following Officers responded, Staff Lieutenant Robert May, Lieutenant Donald Kuneman, and Sergeant Armond Divirgilis. Offender James Ross was given verbal orders to comply with housing rules and when he refused was ordered to go to a holding cell. Offender James Ross ceased being a passive resistor and became an active resistor by moving away from staff and assuming an aggressive posture toward staff. 7.) Offender James Ross was capstunned by Lieutenant Kuneman which had no effect on Offender Ross. Offender Ross then became combative with staff and refusing to comply with directives. While being combative with staff, Offender Ross was capstunned a second time and again without results. 8.) Offender Ross was taken to the ground in an attempt to subdue him. During the struggle, Offender Ross attempted to break the left middle and left ring fingers of Staff Lieutenant Robert May. 9.) The following Officers sustained injuries during the struggle to subdue and handcuff Offender James Ross. Staff Lieutenant Robert May received injuries to both the left ring and middle fingers, abrasions to the left hand and to both wrists. Lieutenant Donald Kuneman received abrasions to the right arm. Sergeant Armond Divirgilis received abrasions and a contusion to the left cheek, bruising behind the left eye, and chemical burns as a result of the OC (capstun) spray.

Affiant: LT. BRAMBLE (20000) of CVOP CENTRAL VIOLATION OF PROBATION CTR

Victims:

ROBERT L MAY
 ARMOND DIVIRGILIS
 DONALD J KUNEMAN

Date of Birth

Relationship Victim to Defendant
 Otherwise Known
 Otherwise Known
 Otherwise Known

Affiant

Sworn and subscribed before me this 26th day of March AD, 2005

Judge/Commissioner/Court Official

State of Delaware vs. JAMES E ROSS Case: 05 03 018674

Affiant

Sworn and subscribed before me this 26th day of March AD, 2005

Judge/Commissioner/Court Official

my case All my Assault

Oct 4. 2005

CASE# 5097013822 Date 7-26-97

CASE# 5097013837

Same CASE Different #

CASE# 5097013822

CASE# 5096022830

CASE# 5096022829

CASE# 5096013303 Assault Third Disp = GUILTY
Disp = 03/06/97

you have:

felony 1.) first degree assault = reduced to 2nd degree. -
- (509 701 3822 / 6-29-98

2.) third degree assault = guilty with "no" condi-
tion, you may want to ask your lawyer
about this charge. - (509 601 3303 / 3/6/97

felony 3.) Conspiracy 2nd degree: - I don't see any
where, that you have been found guilty of a
conspiracy, and it has the same date as 6-29-98

felony 4.) Robbery 2nd degree.

THIS IS THE CHARGE RECORD OF:

JAMES

E ROSS

J

DOB

/1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
				VIOL O/PROBATN DISP=VF DISP=07/25/03
DOVER PD (DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 ASSAULT FIRST DEGREE INTENTIONAL RECKLESS SERIOUS INJURY DURING COMMISSION FEL	REDUCED TO: ASSAULT 2ND DISP=PGLI DISP=06/29/98 SENT=06/29/98 CONF:3Y SUSP AFT:1Y CONCURRENT VIOL O/PROBATN DISP=VF DISP=04/30/99 SENT=04/30/99 CONF:3Y SUSP AFT:2Y CREDIT DAYS: 30 CONCURRENT
DOVER PD) DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 OFFENSIVE TOUCHING	DISP=NOLP29 DISP=06/29/98
DOVER PD) DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 BURGLARY SECOND DEGREE DWELLING	DISP=NOLP29 DISP=06/29/98
DOVER PD) DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 CRIMINAL MISCHIEF UNDER \$1000 DAMAGE PROPERTY	DISP=NOLP29 DISP=06/29/98
DOVER PD) DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 BURGLARY SECOND DEGREE DWELLING	DISP=NOLP29 DISP=06/29/98
DOVER PD) DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 BURGLARY SECOND DEGREE	DISP=NOLP29 DISP=06/29/98

AG Office DELJIS Charge Summary -- Priors -- Page

6

THIS IS THE CHARGE RECORD OF:

JAMES

E ROSS

J

DOB

1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	DWELLING 5097013822 ASSAULT FIRST DEGREE INTENTIONAL SERIOUS INJURY WEAPON DANGEROUS INSTRUMENT	DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 CONSPIRACY SECOND DEGREE AGREEMENT TO ENGAGE	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 ASSAULT SECOND DEGREE RECKLESSLY OR INTENTIONALLY CAUSES PHYS INJ WEAPON	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 OFFENSIVE TOUCHING	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013837 BURGLARY SECOND DEGREE DWELLING	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER	JAMES E ROSS J ATTORNEY: VELLA	07/26/97 07/26/97	5097013822 CRIMINAL	DISP=BOPC DISP=08/08/97

AG Office DELJIS Charge Summary -- Priors -- Page

7

THIS IS THE CHARGE RECORD OF:

JAMES

E ROSS

J

DOB

'1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
KC97000789	ANDREW JOHN		MISCHIEF UNDER \$1000 DAMAGE PROPERTY	DISP=NOLP29 DISP=06/29/98
DOVER PD DOVER KC97000789	JAMES E ROSS J ATTORNEY: VELLA ANDREW JOHN	07/26/97 07/26/97	5097013822 CRIMINAL TRESPASS SECOND DEGREE	DISP=BOPC DISP=08/08/97 DISP=NOLP29 DISP=06/29/98
DEPT. OF JUSTICE KENT DOVER KC97000132	JAMES E ROSS J ATTORNEY: WELCH STEPHEN R JR	02/11/97 11/13/96	5096022830 DELIVERY OF A NARCOTIC SCHEDULE II CONTROLLED SUBSTANCE	DISP=NOLP27 DISP=07/17/97
DEPT. OF JUSTICE KENT DOVER KC97000132	JAMES E ROSS J ATTORNEY: WELCH STEPHEN R JR	02/11/97 11/13/96	5096022829 DELIVERY OF A NARCOTIC SCHEDULE II CONTROLLED SUBSTANCE	DISP=NOLP27 DISP=07/17/97
DOVER PD DOVER	JAMES E ROSS J ATTORNEY: NONE	07/29/96 07/29/96	5096013303 ASSAULT THIRD DEGREE INTENTIONALLY RECKLESSLY CAUSE PHYSICAL INJURY	DISP=GLTY DISP=03/06/97
DOVER PD DOVER KC92000702	JAMES E ROSS J ATTORNEY: APOSTOLIC JAMES V	07/15/92 06/06/92	5092011195 CONSPIRACY SECOND DEGREE AGREEMENT TO ENGAGE	DISP=NOLP02 DISP=09/01/92
DOVER PD DOVER KC92000702	JAMES E ROSS J ATTORNEY: APOSTOLIC JAMES V	07/15/92 06/06/92	5092011195 DELIVERY OF A NARCOTIC SCHEDULE II CONTROLLED	DISP=NOLP02 DISP=09/01/92

THIS IS THE CHARGE RECORD OF:

JAMES

E ROSS

J

DOE

/1963 SBI # 00167506

Arr. Agy./ AG Case #	Name (inc Alias)/ Attorney	DOA/ DOO	Complaint #/ Charge	Disposition
			PROBATION	SENT=06/02/94 CONCURRENT
Wilmington P Wilmington	JAMES E ROSS J ATTORNEY: NONE	08/15/89	3089052077 CONSPIRACY SECOND DEGREE	DISP=NOLP29* DISP=07/27/90
Wilmington P Wilmington	JAMES E ROSS J ATTORNEY: NONE	08/15/89	3089052077 ROBBERY SECOND DEGREE	DISP=GLTY DISP=12/01/92 SENT=07/27/90 PC/REST/EVAL SUB ABUS/DIR COUNSLNG, TEST/TREAT/ASSG N JOB TRAIN/NO DRUGS/ALCHL/OBT N GED/DRUG TESTING
DOVER PD DOVER	JAMES E ROSS J ATTORNEY: NONE	04/19/89 04/19/89	5089004919 SHOPLIFTING UNDER \$500	DISP=PG DISP=07/06/89 SENT=07/06/89 CONF:1Y IMP. BEGINS 7/06/89. CREDIT FOR TWO DAYS.
TROOP 3 STAT POLICE WOODSIDE	JAMES E ROSS J ATTORNEY: NONE	04/16/89 04/16/89	SPD77795 50MPH ON 2 LANE ROADWAYS	DISP=GLTY DISP=05/31/89 SENT=05/31/89 FINE:\$49.00 VCF:\$7.35 CC:\$15.00 SUSP:\$15.00
TROOP 3 STAT POLICE WOODSIDE	JAMES E ROSS J ATTORNEY: NONE	04/16/89 04/16/89	SPD77796 DRIVE WHILE LICENSE HAS EXPIRED	DISP=GLTY DISP=05/31/89 SENT=05/31/89 FINE:\$25.00 SUSP:\$25.00 VCF:\$3.75 CC:\$15.00 SUSP:\$15.00
DOVER PD	JAMES E ROSS J	02/28/89	DV92255	DISP=NOLP29



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

BRIAN J. BARTLEY
ASSISTANT PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

TELEPHONE
(302) 577-5135

June 21, 2005

Richard J. Zemble
Deputy Attorney General
Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, DE 19801

RE: State of Delaware v. James E. Ross
ID No. 0503018674

Dear Mr. Zemble:

Please provide me with a copy of any and all medical records for any treatment provided to any of the three victims for injuries allegedly caused by the Defendant in the indicted assaults.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. J. Bartley".

Brian J. Bartley
Assistant Public Defender

BJB/ef
Cc: Mr. James E. Ross


IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE :
 :
 V. : ID NO. C503018674
 :
 JAMES E ROSS,
 DEFENDANT

ORDER SCHEDULING TRIAL

IT IS HEREBY ORDERED THIS 20TH DAY OF JUNE, 2005, THAT:

- 1) TRIAL IS SCHEDULED FOR Tuesday, 10/18/2005.
NO CONTINUANCE WILL BE GRANTED ABSENT EXCEPTIONAL CIRCUMSTANCES. COUNSEL AND DEFENDANT MUST ATTEND THE CALENDAR CALL ON THE DAY OF TRIAL AT 9:00 A.M. UNLESS PREVIOUSLY EXCUSED BY THE CRIMINAL ASSIGNMENT JUDGE.
- 2) THIS MATTER IS A CATEGORY #2 CASE. COPIES OF ANY MOTIONS AND/OR CORRESPONDENCE REGARDING THIS CASE SHALL BE DIRECTED TO THE CRIMINAL ASSIGNMENT JUDGE.
- 3) COUNSEL MUST IMMEDIATELY TAKE ALL STEPS TO NOTIFY WITNESSES AND DEFENDANT OF THE TRIAL DATE. THERE WILL BE NO FURTHER SPECIAL NOTIFICATION FROM THE COURT UNLESS THE COURT (ATTN: ELIZABETH BRENHOCH) IS ADVISED IN WRITING WITHIN TWO WEEKS OF THE DATE OF THIS ORDER OF THE UNAVAILABILITY OF WITNESSES OR ANY OTHER VALID PROBLEMS, THE ABOVE TRIAL DATE WILL REMAIN FIRM.
- 4) COUNSEL SHALL ATTEND THE TRIAL CALENDAR CALL AT 9:15 A.M. ON THE THURSDAY BEFORE THE TRIAL DATE UNLESS EXCUSED BY THE CRIMINAL ASSIGNMENT JUDGE.



JUDGE CALVIN L. SCOTT

OC: PROTHONOTARY
CC: RICHARD J ZEMBLE , DEPUTY ATTORNEY GENERAL
BRIAN J BARTLEY , ESQ.

Discovery order by 9/15/04, including
medical records

In the Superior Court of the State of Delaware
In and for New Castle County

State of Delaware

V
James E. Ross Jr.

CASE # 0503-013674

ORDER

HAVING HEARD AND CONSIDERED THE DEFENDANT'S
NOTICE RULE (16^B) FOR REVIEW MOTION TO DISMISS
IT IS HEREBY ORDERED THAT THIS MATTER WILL BE
SET DOWN FOR HEARING ON 10- , 2005
100 m.

IT IS ORDERED ON THIS DATE OF
~~May~~ 10- , 2005.

IN the Superior Court of the State of Delaware
IN and For New Castle County

State of Delaware
V.

Case No. 0503018674

James E. Ross Jr.

Certificate of Service

I certify that I have caused that on this
day of ~~May~~ ^{Sept} 10 - 2005 to copy of the attached
Notice Rule (16b) For Review to be served
upon the following address indicated by
United States MAIL, Postage pre paid on:

Attorney General's Office
Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, De 19801